



ROANOKE CITY COUNCIL REGULAR SESSION

**March 7, 2005
9:00 A.M.**

ROOM 159

AGENDA

Call to Order--Roll Call.

A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

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A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

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A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

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Briefings:

Fiscal Year 2005–2006 Budget Discussion	–	30 minutes
– Market Building		
Roanoke River Riparian Corridor Proposal	–	20 minutes
Storm Water Utility	–	45 minutes

P 12;

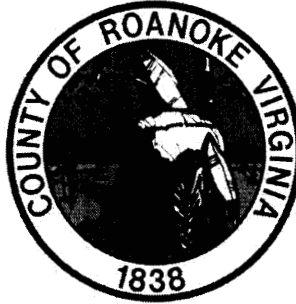
P 13;

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Items listed on the 2:00 p.m. Council docket requiring discussion/clarification, and additions/deletions to the 2:00 p.m. agenda. (15 minutes)

Topics for discussion by the Mayor and Members of Council. (30 minutes)

THE COUNCIL MEETING WILL BE DECLARED IN RECESS TO BE RECONVENED AT 12:00 P.M., IN ROOM 159, NOEL C. TAYLOR MUNICIPAL BUILDING, FOR A MEETING OF COUNCIL, THE ROANOKE COUNTY BOARD OF SUPERVISORS AND THE ROANOKE REGIONAL AIRPORT COMMISSION.



**ROANOKE CITY COUNCIL
ROANOKE COUNTY BOARD OF SUPERVISORS
ROANOKE REGIONAL AIRPORT COMMISSION**

**MARCH 7, 2005
12:00 P.M.**

ROOM 159

AGENDA

1. CALL TO ORDER – ROLL CALL:

City of Roanoke (The Council meeting convened at 9:00 a.m.)
County of Roanoke
Roanoke Regional Airport Commission

2. WELCOME: Mayor Harris.
Chairman Altizer

3. INVOCATION: Council Member Alfred T. Dowe, Jr.

----- LUNCH -----

4. **COUNTY/CITY AUTOMATIC AID AGREEMENT.**
5. **REMARKS AND INTRODUCTIONS. JAMES M. TURNER, JR., CHAIR, ROANOKE REGIONAL AIRPORT COMMISSION.**
6. **PRESENTATION BY JACQUELINE L. SHUCK, EXECUTIVE DIRECTOR, ROANOKE REGIONAL AIRPORT.**
 - A. **Background and Facilities:**
 - Airfield and Terminal
 - Employees
 - Other Airport Businesses
 - Economic Impact
 - B. **Funding:**
 - Operating Budget and Revenue Sources
 - Capital Projects and Revenue Sources
 - C. **Airport Aviation Sectors:**
 - General Aviation
 - Cargo and Large Aircraft Maintenance
 - Passenger Carriers and Air Service
 - D. **Other Issues:**
 - Terminal Facility Upgrades and Improvements
 - FAA Facilities
 - Noise Program
 - Master Plan Update
7. **COMMENTS BY CITY COUNCIL, BOARD OF SUPERVISORS AND AIRPORT COMMISSION.**
8. **OTHER BUSINESS.**

THE ROANOKE CITY COUNCIL MEETING WILL BE DECLARED IN RECESS TO BE RECONVENED AT 2:00 P.M., IN THE CITY COUNCIL CHAMBER, FOURTH FLOOR, NOEL C. TAYLOR MUNICIPAL BUILDING.

THE ROANOKE COUNTY BOARD OF SUPERVISORS MEETING WILL BE ADJOURNED.

THE ROANOKE REGIONAL AIRPORT COMMISSION MEETING WILL BE ADJOURNED.



**ROANOKE CITY COUNCIL
REGULAR SESSION**

**MARCH 7, 2005
2:00 P.M.**

CITY COUNCIL CHAMBER

AGENDA

1. Call to Order--Roll Call.

The Invocation will be delivered by Mayor C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Harris.

Welcome. Mayor Harris.

NOTICE:

Today's Council meeting will be replayed on Channel 3 on Wednesday, March 9, 2005, at 7:00 p.m., and Sunday, March 13, 2005, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEVA.GOV, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEVA.GOV, TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGEMENTS:

A Resolution memorializing the late Edward R. Dudley, a civil rights advocate and retired judge.

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Shining Star Awards.

3. **CONSENT AGENDA**

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

C-1 Minutes of the regular meeting of Council held on Tuesday, January 18, 2005.

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RECOMMENDED ACTION: Dispense with the reading of the minutes and approve as recorded.

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS: NONE.

6. REPORTS OF OFFICERS:

a. CITY MANAGER:

BRIEFINGS: None.

ITEMS RECOMMENDED FOR ACTION: None.

b. CITY ATTORNEY:

1. Execution of Amendment No. 1 to the Agreement with the YMCA of Roanoke Valley, Inc.

P 52;
O 53

2. Approval of amendments to the Bylaws of Blue Ridge Behavioral Health Care.

P 54;
R 69

3. Amendment of the City Code to authorize the City Manager to approve permits for signs and other appendages from buildings that encroach into the public right-of-way and other public property.

P 70;
O 72

c. DIRECTOR OF FINANCE:

1. Financial report for the month of January 2005.

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7. REPORTS OF COMMITTEES: NONE.

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

- a. A Resolution appointing Stuart H. Revercomb as a Director of the Industrial Development Authority of the City of Roanoke to fill the remaining portion of a four year term ending October 19, 2005.

R 86

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor and Members of City Council.
- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

12. CITY MANAGER COMMENTS:

CERTIFICATION OF CLOSED SESSION.



C. NELSON HARRIS
Mayor

**CITY OF ROANOKE
OFFICE OF THE MAYOR**

215 CHURCH AVENUE, S.W., ROOM 452
ROANOKE, VIRGINIA 24011-1594
TELEPHONE: (540) 853-2444
FAX: (540) 853-1145

March 7, 2005

The Honorable Vice-Mayor and Members
of the Roanoke City Council
Roanoke, Virginia

Dear Members of Council:

This is to request a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink that reads "C. Nelson Harris". The signature is written in a cursive, flowing style.

C. Nelson Harris
Mayor

CNH:snh



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

March 7, 2005

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Subject: Request for closed meeting

Dear Mayor Harris and Council Members:

This is to request that City Council convene a closed meeting to discuss the acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to '2.2-3711.A.3, of the Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink, reading "Darlene L. Burgham".

Darlene L. Burgham
City Manager

DLB/lsc

c: William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Mary F. Parker, City Clerk



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CityWeb: www.roanokegov.com

March 7, 2005

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Subject: Request for closed meeting

Dear Mayor Harris and Council Members:

This is to request that City Council convene a closed meeting to discuss the disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to '2.2-3711.A.3, Code of Virginia (1950), as amended.

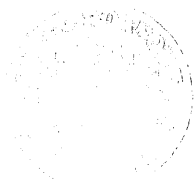
Sincerely,

A handwritten signature in black ink, reading "Darlene L. Burcham". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Darlene L. Burcham
City Manager

DLB/f

c: William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Mary F. Parker, City Clerk



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March 7, 2005

Honorable C. Nelson Harris, Mayor and Members
of City Council
Roanoke, VA

Dear Mayor Harris and Members of Council:

Subject: Budget Discussion

This is to request space on Council's agenda for a 30 minute presentation on the above referenced subject.

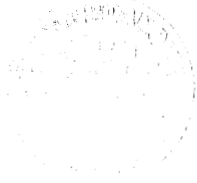
Respectfully submitted,

A handwritten signature in black ink, reading "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:sm

c: City Clerk
City Attorney
Director of Finance



**CITY OF ROANOKE
OFFICE OF THE CITY MANAGER**

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March 7, 2005

Honorable C. Nelson Harris, Mayor and Members
of City Council
Roanoke, VA

Dear Mayor Harris and Members of Council:

**Subject: Roanoke River Riparian
Corridor Proposal**

This is to request space on Council's agenda for a 20 minute presentation on the above referenced subject.

Respectfully submitted,

A handwritten signature in black ink, reading "Darlene L. Burcham". The signature is fluid and cursive, with the first name "Darlene" being more prominent.

**Darlene L. Burcham
City Manager**

DLB:sm

c: City Clerk
 City Attorney
 Director of Finance



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March 7, 2005

Honorable C. Nelson Harris, Mayor and Members
of City Council
Roanoke, VA

Dear Mayor Harris and Members of Council:

Subject: Storm Water Utility

This is to request space on Council's agenda for a 45 minute presentation on the above referenced subject.

Respectfully submitted,

A handwritten signature in black ink, reading "Darlene L. Burcham", is positioned above the printed name.

Darlene L. Burcham
City Manager

DLB:sm

c: City Clerk
City Attorney
Director of Finance

WMT

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION memorializing the late Edward R. Dudley, a native Virginian and former Roanoke resident, civil rights advocate and retired judge.

WHEREAS, the members of Council learned with sorrow of the passing of Mr. Dudley on Tuesday, February 8, 2005;

WHEREAS, Mr. Dudley was born in South Boston, Virginia, and grew up in the 400 block of Roanoke's Gilmer Avenue;

WHEREAS, Mr. Dudley graduated from Johnson C. Smith College in North Carolina with a B.S. in 1932;

WHEREAS, after graduation, Mr. Dudley taught black children in a one-room school in Staunton, Virginia, and drove a school bus to supplement his income because he earned much less than white teachers;

WHEREAS, after a year at Howard University on a scholarship in dentistry, Mr. Dudley moved north and became close to his politically connected uncle, a real estate developer;

WHEREAS, in New York, Mr. Dudley worked odd jobs and signed on with a public works theater project, serving as stage manager for its unit director, the young Orson Welles;

WHEREAS, after the theater project ended in 1938, Mr. Dudley enrolled in law school at St. John's University where he received an L.L.B. in 1941, and then went into private practice for a brief time;

WHEREAS, Mr. Dudley became active in the community, joining the Carver Democratic Club in Harlem;

WHEREAS, Mr. Dudley became an assistant state attorney general — a job that lasted until Thomas E. Dewey was elected governor in 1942;

WHEREAS, for a time, Mr. Dudley worked for the growing Pepsi-Cola Company, drumming up sales at Army camps;

WHEREAS, in 1943, Thurgood Marshall, who later became a Supreme Court justice, persuaded Mr. Dudley to join the legal staff of the NAACP, fighting for blacks to be admitted to universities in the South, for equal pay for black teachers, and to end discrimination in public transportation;

WHEREAS, despite living in New York and abroad, Mr. Dudley argued civil rights cases throughout the South;

WHEREAS, Mr. Dudley was executive assistant to the governor of the Virgin Islands from 1945 to 1947;

WHEREAS, beginning in 1948, Mr. Dudley spent five years as President Harry S. Truman's ambassador to Liberia, a key diplomatic post in Africa; and helped oversee Truman's Point Four program of economic assistance for third world countries;

WHEREAS, Mr. Dudley used political tact to advance other black diplomats at a time when they were assigned strictly to the "Negro Circuit" – posts in Liberia, Madagascar, and the Azores, his efforts resulting in these diplomats taking positions in Europe;

WHEREAS, upon his return to New York in 1953, Mr. Dudley practiced law and directed the NAACP's Freedom Fund;

WHEREAS, in 1955, Mayor Robert F. Wagner appointed Mr. Dudley as a justice on the Domestic Relations Court;

WHEREAS, Mr. Dudley resigned in 1961 when he was elected by the City Council to serve as Manhattan borough president, after a fellow Harmlemite, Hulan E. Jack, quit the position, serving the remainder of Mr. Jack's term and winning election to the post later that year;

WHEREAS, Mr. Dudley left the borough presidency at the end of 1964 after winning election to a vacancy on the State Supreme Court, and was re-elected in 1978, serving past the usual retirement age, until 1985;

WHEREAS, Mr. Dudley was known as a man with his feet on the ground—even though he had gone places, and was regarded by friends and family as a cunning opponent at the card table.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. City Council adopts this resolution as a means of recording its deepest regret and sorrow at the passing of Edward R. Dudley, and extends to his family its sincerest condolences.

2. The City Clerk is directed to forward an attested copy of this resolution to Mr. Dudley's widow, Rae Oley Dudley, of New York, New York.

ATTEST:

City Clerk

REGULAR WEEKLY SESSION---ROANOKE CITY COUNCIL

January 18, 2005

2:00 p.m.

The Council of the City of Roanoke met in regular session on Tuesday, January 18, 2005, at 2:00 p.m., the regular meeting hour, in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor C. Nelson Harris presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36762-070604 adopted by the Council on Tuesday, July 6, 2004.

PRESENT: Council Members Brian J. Wishneff, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel and Mayor C. Nelson Harris-----7.

ABSENT: None-----0.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Vice-Mayor Beverly T. Fitzpatrick, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

PRESENTATIONS AND ACKNOWLEDGEMENTS:

ACTS OF ACKNOWLEDGEMENT: The Mayor advised that Shining Star Awards are presented to persons who go above and beyond the call of duty to be of service to their community. On behalf of the Members of Council, he stated that he was pleased to recognize Mr. Jerry L. Dunnavant.

The Mayor explained that a police officer responded to the Memorial Bridge in reference to a subject who was going to jump off the bridge; as the officer arrived on the scene, he observed the man disappear over the bridge; when the officer reached the man, he was hanging over the side of the bridge by a sheet that was tied to his neck and he was approximately 60 feet above the water; he officer then began to pull the man back to safety while placing his own safety and well being in jeopardy by reaching over the side of the bridge without the aid of a safety harness; and upon attempting to reach the man who was two feet from his reach, Mr. Dunnavant held onto the officer's

legs enabling him to reach the victim. The Mayor commended Mr. Dunnivant for his assistance, which enabled the police officer to hold onto the victim, preventing him from falling and relieving the strangling pressure from the victim's neck in order to free him from the bridge.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to three requests for Closed Session.

MINUTES: Minutes of the regular meetings of Council held on Monday, November 15, 2004, were before the body.

Mr. Fitzpatrick moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

COMMITTEES-CITY COUNCIL: A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the Mayor to convene in Closed Meeting as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

CITY COUNCIL: A communication from Council Member Alfred T. Dowe, Jr., Chair, City Council Personnel Committee, requesting that Council convene in a Closed Meeting to discuss the mid-year performance of two Council-Appointed Officers, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request to convene in Closed Session as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request to convene in Closed Session as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

OATHS OF OFFICE-BUILDINGS/BUILDING DEVELOPMENT-ZONING-PARKS AND RECREATION-COMMITTEES-ROANOKE CIVIC CENTER-COMMUNITY PLANNING: A report of qualification of the following persons, was before Council.

Harry F. Collins, Sr., as a member of the Local Board of Building Code Appeals, for a term ending September 30, 2009;

Kermit E. Hale and Benjamin S. Motley as members of the Board of Zoning Appeals, for terms ending December 31, 2007;

Gwendolyn W. Mason as a member of the Parks and Recreation Advisory Board, for a term ending March 31, 2007;

Paula L. Prince and Richard A. Rife as members of the City Planning Commission, for terms ending December 31, 2008; and

Daniel E. Wooldridge as a member of the Roanoke Civic Center Commission, for a term ending September 30, 2007.

Mr. Fitzpatrick moved that the report of qualification be received and filed. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

MISCELLANEOUS-CITY COUNCIL: William D. Elliot, President, Christene Poulson, Executive Director, and Gini Cooper, Community Solutions Chair, Conflict Resolution Center, spoke with regard to services offered by the Conflict Resolution Center.

Mr. Elliott advised that:

- The Conflict Resolution Center has operated in the City of Roanoke for 15 years, providing mediation and other conflict resolution services and training.
- Community Solutions is one of the Center's newest initiatives, it is believed that community mediation centers are the perfect organizations to assist with issues that affect communities, community mediation centers know the community and are committed to it, centers provide the necessary follow-up, they help to resolve conflicts, they are impartial and maintain confidentiality.
- Increasingly, it seems that citizens want to participate in decision-making and especially when decisions involve issues that are important to them such as renovation of public use facilities, where to construct housing developments and office parks, and how to share resources such as parks and recreation facilities.
- Citizens are becoming better at blocking those initiatives that they object to and they do so because there is no other mechanism for becoming involved in decision-making or for having their issues heard.

- The Community Solutions Program was created because good decisions can be made with a good public participation process; i.e.: people involved in such a process can more easily understand the complexities of issues and consider broader interests that combine environmental, social and economic goals; people will support alternatives they do not especially like when they feel the process that led to the decision was fair and all points of view were considered; good solutions to community issues can be created when people work together; and communities are strengthened when the values of people are understood and validated.
- Participatory problem-solving should occur when issues are high priority and a decision is needed, costs of not building consensus are high, outcome is in doubt, continuing relationships are important, and no single entity has complete decision-making power.
- The reasons to build community consensus are to reduce/heal community rifts, build "social capital" and trust, foster commitment to the implementation of a decision and generate/create an idea.
- Public participation processes may not need to be as extensive when the level of concern about an issue is not great, an emergency decision is required, a judicial precedent is needed to clarify a law or guide future conduct, and constitutional rights are at stake.
- The Conflict Resolution Center provides access to persons who have expertise in designing and delivering public participation processes such as public meetings, public workshops, public dialogues, and collaborative problem solving processes involving mediation and consensus-building, and training in communication and conflict resolution skills that can help persons who work with the public.

Mr. Elliott encouraged the City of Roanoke to use the services of the Conflict Resolution Center and the Community Solutions Program.

The City Attorney was requested to respond with regard to the feasibility of using mediation as opposed to instituting court proceedings on various issues that affect the City of Roanoke.

The City Attorney advised that from time to time he has brought up the concept of mediating land use issues because he has become dissatisfied with litigation as a means of solving public policy issues, alternative dispute resolution is viewed as an alternative, and persons in the legal profession are increasingly being certified in dispute resolution. He referred to recent

instances in which he suggested mediation which is less expensive and time consuming than litigation and the parties involved have more control over the outcome, as opposed to a judge or jury deciding the issue, and mediation also allows the opportunity to work out a mutually beneficial solution.

BUDGET-CITY EMPLOYEES-PENSIONS: C. R. Martin, 155 Huntington Boulevard, N. E., representing the Roanoke City Retirees Association, requested a pay increase for City retirees due to the high cost of living, and a health insurance supplement for retired employees 65 years of age and older. He stated that some retirees over the age of 65 are currently paying as much as \$700.00 per month, or \$8,400.00 per annum, for health insurance.

Mr. Martin referred to work-related health and safety issues that affect Police and Fire Department employees and weather-related working conditions that affect Solid Waste Disposal and Water Department employees, many of whom are now elderly and suffer from various types of work-related illnesses. He asked that Council give consideration to these employees during fiscal year 2005-2006 budget study.

Without objection by Council, the Mayor advised that the request would be referred to fiscal year 2005-2006 budget study.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: See pages 54-58.

ITEMS RECOMMENDED FOR ACTION:

STATE HIGHWAYS-ECONOMIC DEVELOPMENT-STREETS AND ALLEYS: The City Manager submitted a communication advising that on November 18, 2004, the Commonwealth Transportation Board adopted a resolution which changed the location of the limited access right-of-way line at the interchange of Route 220 and Wonju Street, and also approved conveyance to the adjacent property owner, the developer of the Ivy Market Project, of a small portion of VDOT-owned property adjacent to the existing Wonju Street right-of-way at the same location; and such action was taken in response to a request by the developer of the Ivy Market Project in order to provide vehicular access to the site from Wonju Street between the Route 220 interchange and Franklin Road.

It was further advised that in order for the change in limited access limits to be effective, and the conveyance of land to be executed by the Commonwealth Transportation Commissioner, the City of Roanoke must take formal action discontinuing such limited access features, pursuant to Section 33.1-58, Code of Virginia (1950), as amended.

The City Manager recommended that Council adopt a resolution discontinuing the limited access features along a portion of Wonju Street as a part of Route 220.

Mr. Dowe offered the following resolution:

(#36936-011805) A RESOLUTION discontinuing the limited access feature along a portion of Wonju Street as part of Route 220, pursuant to §33.1-58, Code of Virginia (1950), as amended.

(For full text of resolution, see Resolution Book No. 69, Page 233.)

Mr. Dowe moved the adoption of Resolution No. 36936-011805. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

BUDGET-FIRE DEPARTMENT-GRANTS: The City Manager submitted a communication advising that the Fire Programs Fund was established by the General Assembly, effective October 4, 1985, pursuant to Section 38.1-44.1, Code of Virginia, 1950, as amended; and the sunset clause requiring expiration of the Fund on July 1, 1990 was removed, thus, the City's annual allocation of State funds will continue indefinitely.

It was further advised that program guidelines require that funds received are non-supplanting and may not be used to replace existing local funding; funds must be used in accordance with provisions established by the State Department of Fire Programs; and the City of Roanoke's allocation of \$186,914.76 was deposited in Account No. 035-520-3235-3235 from the Department of Fire Programs.

It was explained that the City's portion of the Roanoke Regional Fire-EMS Training Center debt service is \$60,000.00, which was paid annually from the revenue source; and action by Council is required to formally accept and appropriate the funds, to authorize the Director of Finance to establish revenue estimates and to appropriate accounts in the Grant Fund, in order to purchase equipment and supplies in accordance with provisions of the program.

The City Manager recommended that she be authorized to accept the grant, to accept and file any documents setting forth conditions of the Fiscal Year 2005 Fire Programs Funds Grant, to furnish such additional information as may be required and to appropriate grant funds in the amount of \$186,914.00, with corresponding revenue estimates, in accounts to be established by the Director of Finance in the Grant Fund.

Mr. Dowe offered the following budget ordinance:

(#36937-011805) AN ORDINANCE to appropriate funds for the Fire Program Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 234.)

Mr. Dowe moved the adoption of Ordinance No. 36937-011805. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris -----7.

NAYS: None-----0.

Mr. Fitzpatrick offered the following resolution:

(#36938-011805) A RESOLUTION authorizing the acceptance of the FY2005 Fire Programs Funds Grant made to the City of Roanoke by the Virginia Department of Fire Programs and authorizing the execution and filing by the City Manager of any documents required by the grant.

(For full text of resolution, see Resolution Book No. 69, Page 235.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36938-011805. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris -----7.

NAYS: None-----0.

AIRPORT-TRAFFIC-BUDGET: The City Manager submitted a communication advising that during Council's December 6, 2004 briefing session, Transportation Division staff presented information on potential transportation projects; i.e.:

Aviation Drive and Towne Square Boulevard. The proposed improvement will signalize and align the Airport's entrance opposite Towne Square Boulevard and will facilitate at Aviation Drive; allowing westbound movements on Towne Square Boulevard and aligning the Airport's entrance at a signalized intersection is expected to relieve traffic congestion in the vicinity of Hershberger Road and will help to clear up motorists' confusion of the area between Thirlane Road and the Airport's main entrance; planning level cost estimate for the project is

\$1 million, however, funding of \$250,000.00 would enable preliminary engineering work to begin and would help to facilitate potential private funding from businesses within the vicinity of the project.

Huff Lane Streetscape improvements. The project would improve the streetscape and add parking to Huff Lane between Cornell Drive and Avalon Avenue; the project will improve the neighborhood environment by reducing traffic speeds and providing additional parking for the recreation facilities along Huff Lane; the reduction in speed will be facilitated by a narrowing of the existing travel lanes and the addition of on-street angled parking; the corresponding reductions in traffic speeds will improve the safety of pedestrians visiting the school and the recreation facility along Huff Lane; additional parking will reduce the parking demand within the neighborhood during athletic events at the ball fields; and staff is ready to proceed toward design and implementation of the project, at an estimated implementation cost of \$250,000.00.

It was further advised that funding for each of the projects is available in existing Capital Projects Fund accounts and may be transferred to establish budgets for the projects.

The City Manager recommended that Council transfer funds in the amount of \$250,000.00 from VDOT Highway Projects, Account No. 008-530-9803, to an account to be established by the Director of Finance in the Capital Projects Fund entitled, "Aviation & Towne Square Boulevard Improvements"; transfer funds in the amount of \$150,000.00 from VDOT Highway Projects, Account No. 008-530-9803, and funds of \$100,000.00 from Roadway Safety Improvement Program, Account No. 008-052-9606, to an account to be established by the Director of Finance in the Capital Projects Fund entitled, "Huff Lane Streetscape Improvements".

Mr. Fitzpatrick offered the following budget ordinance:

(#36939-011805) AN ORDINANCE to transfer funding for Aviation Drive, Towne Square Boulevard and Huff Lane Streetscape Improvements Projects, amending and reordaining certain sections of the 2004-2005 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book 69, Page 236.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36939-011805. The motion was seconded by Ms. McDaniel.

Mr. Chris Craft, 1501 East Gate Avenue, N. E., spoke in support of including funds in future budgets to complete the bridge over I-581 in order to provide better access to Valley View Mall.

Ordinance No. 36939-011805 was adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

STATE HIGHWAYS-STREETS AND ALLEYS: The City Manager submitted a communication advising that Section 33.1-41.1, Code of Virginia (1950), as amended, establishes eligibility criteria of localities for receiving funds from the Virginia Department of Transportation (VDOT) for street maintenance; the State Code section specifies two functional classifications of roadways (Principal/Minor Arterials and Collector/Locals) and establishes a base payment rate per lane mile for each classification or roadway; rates are adjusted annually by VDOT based upon a statewide maintenance index of unit costs for labor, equipment and materials used by VDOT on roads and bridges; City eligibility for fiscal year 2004-2005 is approximately \$9,835,330.00 in street maintenance payments from VDOT; and funds are to be used for eligible maintenance expenditures that the City incurs for streets, sidewalks, curb and gutter, traffic signals, bridges, signs and pavement markings.

It was further advised that City staff has found certain streets that have not previously been identified for VDOT funds that should be submitted to VDOT to enable their eligibility for payment in the next fiscal year; and approval of additions to the street inventory is expected to increase street maintenance payments to the City by approximately \$15,527.00 at current year payment rates.

The City Manager recommended that she be authorized to submit the list of streets to the Virginia Department of Transportation for approval by the Commonwealth Transportation Board to enable State Maintenance Payment eligibility.

Mr. Fitzpatrick offered the following resolution:

(#36940-011805) A RESOLUTION authorizing the City Manager to submit a street inventory for State maintenance payment eligibility to the Virginia Department of Transportation ("VDOT"), upon forms prescribed by VDOT for approval by the Commonwealth Transportation Board, in order to ensure the City's eligibility for State maintenance funds.

(For full text of resolution, see Resolution Book 69, Page 237.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36940-011805. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

BUDGET-GREENWAY SYSTEMS-ISTEA: The City Manager submitted a communication advising that the City of Roanoke was previously notified by VDOT that a \$200,000.00 transportation enhancement grant was approved for the Roanoke River Greenway through the Transportation Equity Act for the 21st Century (TEA-21); appropriate documents have been forwarded to City of Roanoke staff; a project development agreement must now be executed between the City of Roanoke and VDOT, which will define the responsibilities of each party for the project; funds would be applied to a portion of Phase 2 of the Roanoke River Greenway Project (Wasena Park to the City of Salem); the City of Roanoke will be responsible for the match requirement of \$50,000.00 which is available in Greenway Project Account No. 008-620-9753; and the \$200,000.00 of TEA-21 Enhancement funds must be appropriated to the project account.

The City Manager recommended that she be authorized to execute an agreement with the Virginia Department of Transportation; that Council appropriate \$200,000.00 to Greenway Project Account No. 008-620-9753; and establish a revenue estimate in the same amount for TEA-21 Enhancement funds to be funded by VDOT.

Mr. Cutler offered the following budget ordinance:

(#36941-011805) AN ORDINANCE to appropriate TEA-21 Enhancement Grant funding to be provided by VDOT for the Roanoke River Greenway Project, amending and reordaining certain sections of the 2004-2005 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book 69, Page 237.)

Mr. Cutler moved the adoption of Ordinance No. 36941-011805. The motion was seconded by Ms. McDaniel.

The City Manager was requested to respond with regard to a potential timetable for greenway construction.

She advised that the plan for the Roanoke River Flood Reduction Project, which is to be done in two phases, includes a greenway for the entire length, and a significant portion of the cost of greenway construction involves local dollars as opposed to Federal dollars; the actual timetable for construction of the Roanoke River Flood Reduction Project continues to be an elusive issue because there appears to be another complication in connection with awarding the construction contract, even with the \$5 million that Congressman Bob Goodlatte was successful in securing for the City of

Roanoke; and the City has been advised that it must identify a portion of the project that would equate to the amount of money that is actually available, rather than the previous process used by the Federal government to award the entire contract and then build only as much as was available dollar-wise in any given year with the understanding that future funds would become available. She stated that now that the City is required to select projects along the route rather than create a continuous portion at a single time, it would be difficult to predict a time-frame when the greenway would be constructed for the entire length of the Roanoke River Flood Reduction project. She added that the choice of this particular segment was an attempt to match up with greenway work that is occurring within the City of Salem in order to provide a continuous stretch, but does not diminish the City's desire to complete the entire portion of the greenway at some point in the future.

Upon question, the City Manager advised that it will be communicated to the U. S. Army Corps of Engineers that the City plans to use the approximately \$3 million for one to two bench cuts and certain other smaller and related activities that would directly benefit flood reduction.

Ordinance No. 36941-011805 was adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

Mr. Cutler offered the following resolution:

(#36942-011805) A RESOLUTION requesting that the Commonwealth Transportation Board establish an enhancement project for the Roanoke River Greenway.

(For full text of resolution, see resolution Book 69, Page 238.)

Mr. Cutler moved the adoption of Resolution No. 36942-011805. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

CITY ATTORNEY:

CITY CODE-SCHOOLS: The City Attorney submitted a written report advising that pursuant to the request of Council, he has prepared an ordinance which would amend the City Code to simplify the procedure used by Council to select School Board Trustees; Council has had in place for many years a procedure which includes numerous requirements and specified time periods that have proven to be cumbersome to comply with; the process that has been used by Council is much more detailed than that which is required by law; and Section 22.1-29.1, Code of Virginia, (1950), as amended, provides as follows:

“At least seven days prior to the appointment of any school board member pursuant to the provisions of this chapter,...the appointing authority shall hold one or more public hearings to receive the views of citizens within the school division. The appointing authority shall cause public notice to be given at least ten days prior to any hearing by publication in a newspaper having a general circulation within the school division. No nominee or applicant whose name has not been considered at a public hearing shall be appointed as a school board member.”

The City Attorney further advised that Council has adopted a procedure for making appointments to the City’s major boards and commissions which will ensure opportunities for citizen participation in the process of selecting School Board trustees.

Mr. Cutler offered the following ordinance:

(#36943-011805) AN ORDINANCE amending Article II, Procedure for Election of School Trustees, of Chapter 9, Education, Code of the City of Roanoke (1979), as amended, by repealing §§9-16 through 9-23, relating to the election of school trustees, and by adding a new §9-24, Filling of vacancies on school board, in order to simplify the process of filling such vacancies; and dispensing with the second reading by title paragraph of this ordinance.

(For full text of ordinance, see Ordinance Book 69, Page 239.)

Mr. Cutler moved the adoption of Ordinance No. 36943-011805. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

DIRECTOR OF FINANCE:

BRIEFINGS: See pages 59-61.

REPORTS OF COMMITTEES:

BUDGET-SCHOOLS: A communication from the Roanoke City School requesting appropriation of the following funds:

- \$15,000.00 for the Chess Program to pay for chess materials and tournament participation costs, which continuing program has received a private donation;
- \$1,000.00 for the Autism Spectrum Disorders program to fund supplies for professional development activities related to autism spectrum disorders, said program to be reimbursed 100 per cent by Federal funds;
- \$162,543.00 for the Blue Ridge Technical Academy to provide a business and technical training program for a diverse population of students, said appropriation representing the final allocation of fiscal year 2004-2005 local match funds;
- \$1,600,000.00 for Fallon Park Elementary School improvements including electrical, heating, ventilation, and air conditioning upgrades, said funding to be provided from the Virginia Literary Fund and Qualified Zone Academy Bonds;
- \$3,850,000.00 for the Westside Elementary School renovation project to be used for construction of renovations and additions, said funding to be provided from the Virginia Literary Fund;
- \$186,000.00 for the design of heating and air conditioning system upgrades for Raleigh Court and Monterey Elementary Schools, said funding to be provided from Capital Project Reserve Funds; and
- \$130,500.00 for the Preschool Incentive program to provide additional diagnostic assessment services for handicapped students who will be entering the public schools system for the first time in the fall, said new program to be reimbursed 100 per cent by Federal funds.

A report of the Director of Finance recommending that Council concur in the request of the School Board, was before the body.

Mr. Fitzpatrick offered the following budget ordinance:

(#36944-011805) AN ORDINANCE to appropriate funding for the Chess Program, Autism Spectrum Disorders Program, Blue Ridge Training Academy, Fallon Park Elementary School and Westside Elementary School Renovations, and heating and air system upgrades for Raleigh Court and Monterey Elementary Schools, amending and reordaining certain sections of the 2004-2005 School and School Capital Projects Funds Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book 69, Page 243.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36944-011805. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

BUSES-CITY COUNCIL-SCHOOLS: Council Member Cutler called attention to the popularity of bus service between the City of Roanoke, Ferrum College, Roanoke College and Hollins University, and the Smart Way Transit service between Roanoke and the New River Valley has generated considerable ridership.

BRIDGES: Council Member Cutler advised that the \$500,000.00 secured by Congressman Bob Goodlatte from the Department of Transportation for the Martin Luther King, Jr., Memorial Bridge, which was originally restricted to a vehicular bridge, may now be used for a pedestrian bridge; however, procedural requirements of the Virginia Department of Transportation may slow the process down.

The City Manager advised that it is intended to erect signage at both ends reflecting the official name of the bridge inasmuch as approval has been received from the Martin Luther King, Jr. Foundation, and signage will incorporate not only the name of the bridge but that the project is under design.

ACTS OF ACKNOWLEDGEMENT-CITY COUNCIL: Council Member Dowe congratulated various entities within the City of Roanoke for hosting celebrations honoring the life of Dr. Martin Luther King, Jr., on Monday, January 17, 2005. He also congratulated Council Member Lea who served as keynote speaker at the Southern Christian Leadership Conference (SCLC) Freedom March program on January 17. He commended the citizens of the City of Roanoke on continuing to grow in various areas of diversity and encouraged citizens to examine themselves to ensure that they are a part of the solution in order to make a difference in their City.

COMPLAINTS-METHADONE CLINIC-CITY COUNCIL-SCHOOLS: Council Member Lea expressed appreciation to the Members of Council for their attendance at various Dr. Martin Luther King, Jr. activities which were held throughout the weekend.

With regard to the proposed methadone clinic on Hershberger Road, he inquired if the City of Roanoke can regulate operating hours of the clinic so as not to conflict with operating hours of schools in the area; can the City enact legislation that would prohibit drugs from leaving the premises of the methadone clinic; and has the City received notification of the official opening date of the methadone clinic.

The City Attorney responded that the City of Roanoke has no direct regulatory control over the methadone facility in question; if it were a facility that was just locating in the City of Roanoke, a special exception permit from the City's Board of Zoning Appeals would be required; the methadone clinic was required to obtain three permits from the City; i.e.: a business license which was issued for the first time in November 2003 and renewed by the Commissioner of the Revenue for 2004; a zoning certificate which was issued in November, 2003; and a Certificate of Occupancy to occupy the building which was issued in December, 2003, and no other licenses are required to be obtained from the City. He stated that regulating the hours of operation would require specific enabling legislation from the General Assembly because operation of the clinic is regulated by State and Federal governments, none of which are within the City's control. He added that his only knowledge with regard to hours of operation of the methadone clinic was included in a recent newspaper article which indicated that the clinic would open for business before the opening of schools in the area.

Council Member Lea inquired if the City has been officially notified of the opening date of the methadone clinic. The City Manager responded that the Police Department has received information relative to a possible opening date, but to the best of her knowledge, the City has received no official notice. She advised that she, as well as the Council, have stated on a number of occasions that the City is not pleased with the presence or location of the methadone clinic in the community, but given the fact that there appears to be no way to prevent its opening, the Council and the City Manager have

given assurance to the community that the City will monitor the performance of the facility to ensure compliance with all City of Roanoke laws and regulations. She added that the City has undertaken preparatory steps to look at traffic issues and security issues in the Hershberger/Cove Road area.

Council Member Dowe stressed the importance of continuing to look for alternative locations for the facility.

CITY COUNCIL: The Mayor expressed appreciation to Council Members and Council Appointed Officers for their participation in the Council's Planning Retreat which was held on Thursday, January 13, 2005, at The Hotel Roanoke Conference Center.

ACTS OF ACKNOWLEDGEMENT-HOUSING/AUTHORITY: The Mayor commended all persons who participated in the Cradle to Cradle housing program. He advised that the reception was well attended and called attention to the geographic diversity of those persons who submitted applications; the competition showcased the City of Roanoke; judges were stellar in their individual areas of expertise; and an interest has been expressed with regard to building on this year's competition.

ACTS OF ACKNOWLEDGEMENT-CITY EMPLOYEES: The Mayor called attention to a luncheon which was held on Tuesday, January 11, 2005, recognizing City employees for their years of service. He commended the Members of Council for their attendance and support of those employees who serve the citizens of City of Roanoke.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

PARKS AND RECREATION-ARMORY/STADIUM: Mr. Chris Craft, 1501 East Gate Avenue, N. E., spoke in support of the installation of a soccer field in East Gate Park. He asked that Victory Stadium not become a part of Roanoke's past and that the facility be renovated for present and future generations of Roanokers.

AIRPORT-BRIDGES-ARMORY/STADIUM: Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, spoke in support of the renovation of Victory Stadium. He commended Council on the decision to make the First Street Bridge a pedestrian bridge as a tribute to Dr. Martin Luther King, Jr., in lieu of razing the structure. He suggested that the former airport terminal building be used for office space.

COMPLAINTS-ARMORY/STADIUM-CITY EMPLOYEES-SNOW REMOVAL: Mr. Robert Gravely, 727 29th Street, N. W., spoke in opposition to the City engaging the services of private contractors to remove snow from City streets;

an inadequate pay scale for City employees; indecision regarding the future of Victory Stadium; the loss of the City's population base; and the lack of entertainment opportunities/attractions in downtown Roanoke.

CITY MANAGER COMMENTS:

ACTS OF ACKNOWLEDGEMENT-HOUSING/AUTHORITY: The City Manager reported on the Cradle to Cradle housing design competition that attracted over 1000 visitors to the Art Museum of Western Virginia. She referred to public exposure of the competition; i.e.: an article in the *New York Times* and two film companies recorded the entire process for a PBS television special. She called attention to the need to proceed to the next step which is to ensure that some of the homes are constructed in the City of Roanoke; while there were approximately 220 designs that were judged, eight were selected as winners; a pattern book will be prepared containing all 220 plus designs, with the goal of generating interest among private citizens and developers toward construction of homes in an effort to create a new sense about future housing in the City of Roanoke and how the Roanoke area can serve as a model. She noted that jurors have encouraged the City to replicate the competition on an annual basis and a recommendation will be submitted to Council in the near future. She stated that the next phase is to identify resources, both public and private, with regard to construction of several of the homes this summer and efforts are underway to welcome back to the community those students who participated in the competition so that they may witness the process of moving from a design concept to actual construction.

At 3:30 p.m., the Mayor declared the Council meeting in recess for two briefings and three Closed Sessions in the Council's Conference Room.

The meeting reconvened in the Council's Conference Room at 3:35 p.m.

TAXES: Susan S. Lower, Director of Real Estate Valuation, advised that citizens will receive a notice of change in the value of their real estate on January 18, 2005, and in accordance with the Code of Virginia, Ad Valorem Taxation, the Office of Real Estate Valuation has completed the Annual General Reassessment for Fiscal Year 2005-2006 and Change of Assessment notices were mailed to 43,107 property owners on January 17, 2005.

She advised that:

- The City's real estate tax base increased approximately 7.46 per cent due to this year's annual reassessment, which is subject to appeals and excludes new construction.
- Nearby localities experienced similar increases in property values, with Roanoke County assessments having increased by 7.15 per cent this year and values increased in the City of Salem 11.5 per cent over the two-year assessment cycle.

- New construction in the City of Roanoke totals \$51.5 million and will add another 1.03 per cent to the tax base for fiscal year 2005-2006, which is down from last year's 1.23 per cent increase.
- Residential new construction totals \$29.4 million and commercial new construction totals \$22.1 million, while last year's projections for new construction totaled \$57.1 million, or \$33.6 million for residential and \$23.5 million for commercial.
- Overall, general reassessment and new construction indicate an increase of 8.49 per cent in the real estate tax base for fiscal year 2005-2006, while last year's increase was 7.97 per cent before adjustments.
- Values will be adjusted for appeals, tax freezes, tax abatements and other miscellaneous items to arrive at a revenue estimate for fiscal year 2005-2006.
- The Office of Real Estate Valuation is charged with appraising all real property in the City of Roanoke at 100 per cent of market value.
- The downward trend in mortgage interest rates contributed greatly to an active real estate market again this year.
- As demands for residential housing continued to reach unprecedented levels and building costs increased significantly, the sales price of housing increased and was one of the primary factors in the overall increase in assessments for the 2005-2006 fiscal year.
- Individual property assessments may vary widely from the City-wide average of 7.46 per cent.
- Most assessment increases will range from five per cent to nine per cent, with a majority at 7.5 per cent; however, if an owner has made significant improvements to a property during the year, the property owner may receive an increase greater than the average.
- Assessment appeals will be conducted from January 17 - February 14, 2005.

In further explanation of the reassessment process, Ms. Lower advised that:

- Market value is defined as the amount a typical, well-informed purchaser would be willing to pay for a property.
- The Mission Statement for the Department of Real Estate Valuation is:

“As a team of dedicated professionals, we strive to provide fair and accurate assessments on all real estate. We pledge to deliver extraordinary customer assistance and serve as a comprehensive information source. We will accomplish this through a collaborative effort, with continuous learning, an emphasis on hard work, and a commitment to excellence.”

- Proval, which is a new mass appraisal system, was purchased in 2001.
- Proval conversion was set up in three phases:
 - Phase I – digital photos and sketches (2002)
 - Phase II – walked half the City (2003)
 - Phase III – walked other half of the City (2004)

City of Roanoke Residential Sales Data Comparisons:

<u>Year</u>	<u>Total Sales</u>	<u>Percentage Change in Number of Sales</u>	<u>Total Sale Price</u>	<u>Percentage Change In Sale Price</u>
2001	4509	N/A	\$354,765,345	N/A
2004	4527	4.0 %	\$752,375,047	112.08%

Council Member Wishneff asked that new home sales be separated from the total.

In a later response, Ms. Lower advised that there were 159 new home sales in 2001 totaling \$27,905,295.00, or an average value of \$175,505.00; and there were 111 new home sales in 2004, totaling \$17,261,954.00, or an average value of \$155,513.00.

- What is sales ratio?

The ratio of an appraisal or assessed value to the sale price or adjusted sale price of a property.

Assessment = \$140,000.00

Sale Price = \$150,000.00

Sales Ratio = 93%

(\$140,000.00/\$150,000.00 = .93)

- Target Sales Ratio for the City of Roanoke is 93% to 95%.
- Department of Taxation Sales Ratio Study:

<u>Year</u>	<u>Preliminary Ratio</u>	<u>Posted Ratio</u>
2004	92.2	
2003	91.5	
2002	87.2	88.80
2001	91.0	91.12
2000	94.3	92.08
1999	94.9	92.93
1998	93.8	94.03
1997	92.6	93.01
1996	94.6	94.54
1995	95.1	90.30
1994	90.6	93.30
1993	94.5	94.50
1992	88.5	92.30
1991	N/A	93.40
1990	N/A	92.20

- Preliminary Ratio is based on four months of sales from November - February

Preliminary Ratio is used for public utilities only

Posted Ratio is Roanoke's Assessment Ratio

The 2002 Posted Ratio compares the 2003 sales to 2002 assessments

- 2002 Sales Ratio Study for other jurisdictions:

<u>Cities/Counties</u>	<u>No. Parcels</u>	<u>Median Ratio</u>
Roanoke City	45,468	89%
Roanoke County	42,920	91%
Charlottesville	13,520	81%
Fairfax City	8,551	83%
Hampton	49,992	92%
Lynchburg	29,334	91%
Newport News	52,390	92%
Norfolk	73,738	86%
Richmond	74,356	87%
Salem	10,194	83%
Virginia Beach	148,591	86%
Danville	26,030	86%

- **Areas of concentration:**

- Land Values**

- Most land values increased 10% to 15%

- Targeted residential land to building ratios 20% to 25%

- Demand for land is high and supply is low

- Neighborhoods with low sales ratios

- Income producing properties

- **Real Estate Assessment projections for fiscal year 2005-2006:**

- The tax base will increase by 7.46 per cent

- Projected fiscal year 2004 - 2005 is 6.74 per cent

- New construction will increase 1.03 per cent

- Projected fiscal year 2004 - 2005 is 1.23 per cent

- Total increase overall is 8.49 per cent

- Projected fiscal year 2004 - 2005 is 7.97 per cent

- **A survey of other reassessment increases in Roanoke County, Salem, Lynchburg, Franklin County, Montgomery County and Botetourt County was reviewed.**

- **An increase in real estate assessments is a good thing; neighborhoods are strong and growing; revitalization is taking place; and real estate is a good investment, both in residential and commercial.**

- **National Association of Realtors predictions for 2005 are:**

- Existing home sales will fall 4% and p/u in 2006

- New home sales and single family housing will fall slightly in 2005 and 2006

- Home sales will bring a more reasonable rate of home price appreciation in 2005

- Continue to have an active market

- **The following tax relief programs are available:**

- Elderly Tax Freeze

- Disability Tax Relief Program

- Rehabilitated Tax Abatement

- Land Use

- Proposed Solar Energy Abatement

TAXES: The City Manager advised that Council approved certain changes in the tax abatement program, pursuant to Ordinance No. 34915-071700, which was adopted on July 17, 2000, and deferred action on other issues pending further study. She stated that a suggestion was offered to either wait for adoption of the Strategic Housing Plan, or to consult with those persons working on the plan with regard to whether or not to impose a cap on the value of homes that would receive the tax abatement. She advised that various options have been reviewed by a committee composed of the City Manager, Director of Finance, Director of Management and Budget, Director of Planning and Community Development, Director of Real Estate Valuation and others, and the purpose of the briefing was to receive input from Council with regard to a proposed recommendation by City staff.

The Director of Real Estate Valuation advised that at the Council briefing on September 7, 2004, she was requested to respond to the following questions:

- (1) Which localities with similar programs have instituted a dollar cap on the core value of properties that participate in the real estate tax abatement program?

Response: No other jurisdictions allow caps.

- (2) Do other localities target specific neighborhoods or are rehab programs offered city-wide?

Response: All but one program is city wide and only three jurisdictions actually target certain areas.

- (3) To seek input from the Housing Strategic Plan Steering Committee on recommendations for changes in tax exemption requirements for the rehabilitation of residential real property.

Response: From a strategic standpoint, the Steering Committee is of the opinion that the intent of the program should be to improve the overall quality of housing in the City, and not necessarily to simply revitalize aging and deteriorating structures; as such, the program should be directed to property owners in all price ranges in the City's housing market; and Steering Committee members opposed the idea of a \$200,000.00 cap on assessed value prior to rehabilitation. Although the Steering Committee agreed with eliminating the restriction that total square footage must not be increased by more than 15 per cent; the Steering Committee agreed in concept with the recommendation that would allow demolition of a residential structure with an assessed value below \$5,000.00, however, the Steering Committee believes that the dollar figure should be higher and requested that the recommendation be revised to a figure between \$10,000.00 and \$25,000.00.

Ms. Lower referred to information on projected rehab tax revenue foregone on properties greater than \$200,000.00 and advised that using projected averages and forecasted averages on existing homes it is believed that the range for foregone revenues of properties greater than \$200,000.00 would be in the neighborhood of \$200,000.00 - \$400,000.00, and if added to the existing program approaching \$600,000.00, total revenue foregone by 2008 would be in the \$1 million range.

Ms. Lower advised that the following recommendations are submitted for consideration by Council:

- Eliminate the restrictions on increased square footage on residential real property; currently, total square footage must not be increased by more than 15 per cent.
- For a residential structure with an assessed value below \$10,000.00, allow an exemption if the structure is demolished provided that the replacement structure is a single-family residence with an assessed value of at least 120 per cent of the median value of other dwelling units in the neighborhood; the exemption shall not apply when any structure demolished is a registered Virginia landmark or is determined by the Department of Historic Resources to contribute to the significance of a registered historic district; and currently, an exemption shall not apply when any existing structure is demolished or razed and a replacement structure is constructed.
- For any residential structure which has an assessed value, prior to rehabilitation, equal to or greater than \$300,000.00, the exemption shall begin on July 1 of the tax year following completion of the rehabilitation, renovation, or replacement and shall run with the real estate for three years; and this will apply regardless of its historic designation location or the per cent net reduction in number of dwelling units after rehabilitation.

Ms. Lower reviewed the following proposed rehab marketing strategy:

- Update a brochure that will be included in a "book like" format complete with residential and commercial examples and an application for the Rehab Program which will be distributed to the Building Department, Housing Services, Loan Officers at local banks, etc.
- Address neighborhood organizations
- Channel 3, RVTv

- Citizen Magazine
- Advertise through mass mailings similar to advertising for residential real estate transfers in the City
- Update the web site with a rehab application button ready to print for all inquiries
- When appraisers walk their neighborhoods and observe a potential candidate for the Rehab program, the homeowner will be informed about the program
- When appraisers work their building permits, if a potential candidate for the Rehab program is identified, the homeowner will be informed of the incentive

With the concurrence of Council, the City Manager advised that Council will be requested to approve the above referenced recommendations at its meeting on Monday, February 7, 2005.

The Council convened in Closed Session in the Council's Conference Room.

At 7:00 p.m., on Tuesday, January 18, 2004, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor C. Nelson Harris presiding.

PRESENT: Council Members Brian J. Wishneff, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel and Mayor C. Nelson Harris-----7.

ABSENT: NONE-----0.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney, Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Council Member Sherman P. Lea.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

PUBLIC HEARINGS:

STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Tuesday, January 18, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Carilion Medical Center and CHS, Inc., that a 15 foot alley running between Whitmore Avenue and Reserve Avenue, S. W., and parallel to Jefferson Street, be permanently vacated, discontinued and closed, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday December 31, 2004, and Friday, January 7, 2005.

The City Planning Commission submitted a written report recommending that Council approve the request to vacate, discontinue and close the alley, subject to certain conditions as more fully set forth in the report, and that the petitioners not be charged for the property due to adoption of the South Jefferson Redevelopment Plan in which all property acquisition will be carried out by the Roanoke Redevelopment and Housing Authority on behalf of the City.

Daniel F. Layman, Jr., Attorney, appeared before Council in support of the request of his clients.

Mr. Fitzpatrick offered the following ordinance:

(#36945-011805) AN ORDINANCE permanently vacating, discontinuing and closing a certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book 69, Page 245.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36945-011805. The motion was seconded by Mr. Dowe.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 36945-011805 was adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

COMMUNITY PLANNING-NEIGHBORHOOD PLANS-ROANOKE VISION, COMPREHENSIVE DEVELOPMENT PLAN: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Tuesday, January 18, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on amendment of *Vision 2001-2020*, the City's Comprehensive Plan, to include the Fairland and Villa Heights Neighborhood Plan, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, December 31, 2004, and Friday, January 7, 2005; and in *The Roanoke Tribune* on Thursday, January 6, 2005.

A communication from the City Planning Commission advising that *Vision 2001-2020* recommends that detailed neighborhood plans be developed and adopted for each of Roanoke's neighborhoods; and the plan for Fairland/Villa Heights has been reviewed by the neighborhood, by City staff and by the Long Range Planning Committee of the City Planning Commission.

It was further advised that the Neighborhood Plan identifies the following high priority initiatives:

- Residential Development - encourage the design and development of new housing that is compatible with existing structures, attract new homeowners by developing infill parcels and make the neighborhood more attractive by placing greater emphasis on code enforcement violations, and emphasize rehabilitation of substandard housing.
- Infrastructure - improve storm water drainage, emphasizing Cove Road, Lafayette Boulevard and Fairland Road. Improve streetscapes by providing proper maintenance of trees and shrubs, planting new street trees, and improving sidewalks and curb and gutter systems for the entire neighborhood. Establish traffic safety measures for Lafayette Boulevard, Cove Road, and incorporate alternative transportation corridors for bicycles.
- Economic Development - identify the areas around the intersection of Cove Road and Lafayette Boulevard and the intersection of Lafayette Boulevard and Melrose Avenue as Village Centers. Consider establishing incentives for small business development within these areas.
- Code Enforcement - improve the area's physical appearance by continuing to target the neighborhood for code enforcement.

The City Planning Commission recommended adoption of the Fairland and Villa Heights Neighborhood Plan as a component of *Vision 2001-2020*, the City's Comprehensive Plan.

Mr. Dowe offered the following ordinance:

(#36946-011805) AN ORDINANCE approving the Fairland and Villa Heights Neighborhood Plan, and amending Vision 2001 - 2020, the City's Comprehensive Plan, to include the Fairland and Villa Heights Neighborhood Plan; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 69, Page 247.)

Mr. Dowe moved the adoption of Ordinance No. 36946-011805. The motion was seconded by Mr. Fitzpatrick.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

Council Member Dowe commended his father, Alfred T. Dowe, Sr., for his outstanding service to the Fairland Civic Organization over the past 25+ years. He also acknowledged, with appreciation, the influence of his mother and father on his life as he observed their steadfast and unwavering commitment to the City of Roanoke.

There being no further questions or comments by Council Members, Ordinance No. 36946-011805 was adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

COMMUNITY PLANNING-NEIGHBORHOOD PLANS-ROANOKE VISION, COMPREHENSIVE DEVELOPMENT PLAN: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Tuesday, January 18, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on an amendment of *Vision 2001-2020*, the City's Comprehensive Plan, to include the Grandin Court Neighborhood Plan, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, December 31, 2004, and Friday January 7, 2005.

A communication from the City Planning Commission advising that Grandin Court is a well-defined residential community bordered by Grandin Court to the north, Creston Avenue to the south, Persinger Road to the east, and Roanoke County to the west; the neighborhood is fully developed with most of the homes having been built between 1920 and 1960; and Brambleton Avenue and Grandin Road provide access to other parts of the region.

It was further advised that the Neighborhood Plan proposes four priority initiatives and recommendations:

1. **Reactivate the Grandin Court Civic League:**

Residents should be involved in neighborhood improvement and advocacy.

2. **Strengthen neighborhood identity:**

Install gateway signs at specific locations on Brambleton Avenue and Brandon Road.

3. **Encourage the establishment of vibrant village centers.**

Located along the western segment of Brambleton Avenue and at the intersection of Grandin Court and Guilford Avenue; village centers should be dense, compact in size, and identifiable; uses in village centers should generally be neighborhood-oriented commercial, but should also contain some businesses that serve a larger market.

The village center on Brambleton Avenue should make a distinct change in character when entering from Roanoke County; the development pattern and infrastructure should resemble more of a main street than a continuation of a strip commercial pattern found in the county.

4. **Improve corridors and gateways:**

Streets and gateways should be attractively designed; specific attention should be placed on Brambleton Avenue because it is a major gateway to Roanoke; functionally, streets will accommodate autos, pedestrians, and bicycles; trees should be used to create a canopy over streets, so large species of trees should be used whenever possible.

Traffic-calming strategies should be incorporated into improvements; and the priority should be on providing an improved pedestrian environment.

The City Planning Commission recommended that Council adopt the Grandin Court Neighborhood Plan as a component of *Vision 2001-2020*, the City's Comprehensive Plan.

Mr. Dowe offered the following ordinance:

(#36947-011805) AN ORDINANCE approving the Grandin Court Neighborhood Plan, and amending Vision 2001 - 2020, the City's Comprehensive Plan, to include the Grandin Court Neighborhood Plan; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 69, Page 248.)

Mr. Dowe moved the adoption of Ordinance No. 36947-011805. The motion was seconded by Mr. Fitzpatrick.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

There was discussion with regard to:

Whether a football stadium on the Patrick Henry High School campus would be in conformity with the Neighborhood Plan; whereupon, R. Brian Townsend, Director of Planning, Building and Development, advised that the Plan does not recognize a football stadium, nor did the Office and Institutional District rezoning that was approved by Council some time ago envision a football stadium for Patrick Henry High School.

The reactivation of the Grandin Court Civic League

An acknowledgement of appreciation that the Neighborhood Plan referenced the need to be sensitive to the Brambleton Avenue commercial corridor; i.e.: sensitive to not only appropriate commercial development, but also recognizing the area as a gateway not only to the Grandin Court neighborhood, but to the City.

Appreciation was expressed for the manner in which City staff responded to the concerns of the neighborhood with regard to the increasing percentage of rental property in comparison to the percentage of property that is owner occupied.

Mr. Townsend reported on the status of neighborhood plans. He advised that three neighborhood plans are currently underway; i.e.: Peters Creek South, the East Gate - Hollins Road area which is the Route 460 corridor, and Garden City. He stated that upon completion in the spring, neighborhood plans will be forwarded to the City Planning Commission and to City Council for approval; and upon approval by Council and the City Planning Commission, neighborhood plans will have been completed for all areas of the City. He noted that the goal will then be to upgrade the three neighborhood plans that were prepared in the late 1980's and early 1990's; South Roanoke,

Deyerle and Raleigh Court to bring the plans into conformity with the City's Comprehensive Plan; and the Mill Mountain area has been removed from the neighborhood planning map since the Parks and Recreation Department will prepare a master plan for the Mill Mountain area that will become a part of the Comprehensive Plan upon completion.

Question was raised with regard to the merit of preparing a revised Comprehensive Plan to include all neighborhood plans, the City's Urban Forestry Plan, and the Parks Master Plan; whereupon, Mr. Townsend advised that from a technical standpoint, every time a neighborhood plan is adopted by Council, the Comprehensive Plan is amended; documents are published separately because they are distributed by neighborhood; and a document could be prepared including the various plans which could also be accessed via the City's website.

The City Manager pointed out that the Comprehensive Plan will be updated in another year pursuant to a previous commitment to update the plan in five years, to then be followed by ten year updates.

Ordinance No. 36947-011805 was adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

AIR RIGHTS-MARKET SQUARE PARKING GARAGE: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Tuesday, January 18, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposal of the City of Roanoke to issue a revocable permit for air rights to Colonial Partners, LLC, across a portion of City owned property known as 204 Jefferson Street for a period of five years, subject to renewal upon mutual agreement of the parties and for the initial consideration of \$2,800.00, to allow construction of a pedestrian bridge and associated lighting and security cameras to connect to the City's Market Square Parking Garage, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, January 7, 2005.

The City Manager submitted a communication advising that the property owner, Colonial Partners, LLC, has requested a revocable permit for air rights to allow the construction of a pedestrian bridge and associated lighting and security cameras to connect the building to the City's Market Square Parking Garage; the revocable permit for air rights will include the right to construct, maintain, repair, replace and remove the structure to be constructed; the proposed permit will be for an initial term of five years, subject to renewal in five-year terms upon mutual agreement of both parties;

permit payment is recommended to be a lump sum fee of \$2,800.00 for initial term of the agreement; and the value was established by calculating the fee simple value of the 79 square foot footprint of the permit area and reducing that by 75 per cent.

It was further advised that the proposed pedestrian bridge will connect the two buildings between the fourth floors and will be one level, located approximately 35 feet above ground level and extending upward therefrom for a distance of approximately 16 feet.

The City Manager explained that City staff recommends authorization of a revocable permit for air rights for the structure, including provision for a performance bond for removal of the structure should the use terminate, should the structure be allowed to deteriorate unreasonably, or be damaged to the point that the owners do not wish to repair it; the performance bond shall be in the amount of \$15,000.00, which amount shall be reviewed periodically and adjusted as needed to ensure that the amount is sufficient to remove the structure; the owner shall be responsible for utilities, biennial inspections, maintenance, and installation and maintenance of security cameras and all lighting which may be required under the structure or on the structure in order to provide adequate lighting for the area within and under the structure; and indemnification and general liability insurance, bodily injury, and property damage liability insurance coverage, with the City to be named as additional insured, shall be provided by the owner.

The City Manager recommended that she be authorized to execute a revocable permit, the form of which shall be approved by the City Attorney, for air rights as above described to allow construction for a pedestrian bridge located approximately 35 feet above ground level and extending upward for a distance of approximately 16 feet, for the initial consideration of \$2,800.00.

Mr. Dowe offered the following ordinance:

(#36948-011805) AN ORDINANCE granting a revocable permit for air rights across a portion of City owned property to allow the construction of a pedestrian bridge to connect the building identified by Official Tax Map No. 4010801, commonly known as 204 Jefferson Street, to the City's Market Square Parking Garage, and to permit the installation of lighting and security cameras in the City's Market Square Parking Garage, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 249.)

Mr. Dowe moved the adoption of Ordinance No. 36948-011805. The motion was seconded by Mr. Fitzpatrick.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

Council Member Cutler advised that he has entered into a contract to acquire living space at 204 Jefferson Street and inquired if he should abstain from voting on the ordinance; whereupon, the City Attorney suggested that Mr. Cutler abstain from voting on Ordinance No. 36948-011805.

There being no further questions or comments by Council Members, Ordinance No. 36948-011805 was adopted by the following vote:

AYES: Council Members Wishneff, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Cutler abstained from voting.)

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

No citizens requested to be heard.

COUNCIL: With respect to the Closed Meeting concluded earlier in the day, Mr. Dowe moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

OATHS OF OFFICE-ROANOKE NEIGHBORHOOD PARTNERSHIP-COMMITTEES: The Mayor advised that there is a vacancy on the Roanoke Neighborhood Advocates created by the resignation of Richard Nichols; whereupon, he opened the floor for nominations to fill the vacancy.

Mr. Cutler placed in nomination the name of Maurine P. Castern.

There being no further nominations, Ms. Castern was appointed as a member of the Roanoke Neighborhood Advocates to fill the unexpired term of Richard Nichols, resigned, ending June 30, 2007, by the following vote:

FOR MS. CASTERN: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

OATHS OF OFFICE-COMMITTEES-YOUTH SERVICES CITIZEN BOARD: The Mayor advised that there are vacancies on the Youth Services Citizen Board created by the resignations of F. B. Webster Day and Cheryl D. Evans; whereupon, he opened the floor for nominations to fill the vacancies.

Mr. Fitzpatrick placed in nomination the names of Frances L. Craveb and Mark H. Hurley.

There being no further nominations, Ms. Craveb and Mr. Hurley were appointed to fill the unexpired terms of Cheryl D. Evans, and F. B. Webster Day, resigned, as members of the Youth Services Citizen Board, for terms ending May 31, 2006, by the following vote:

FOR MS. CRAVEB AND MR. HURLEY: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

OATHS OF OFFICE-COMMITTEES-BLUE RIDGE BEHAVIORAL HEALTHCARE BOARD OF DIRECTORS: The Mayor advised that the three year term of office of Dolores Y. Johns as a member of the Blue Ridge Behavioral Healthcare Board of Directors expired on December 31, 2004, Ms. Johns is ineligible to serve another term; whereupon, he opened the floor for nominations to fill the vacancy.

Mr. Dowe placed in nomination the name of Vincent G. Dabney.

There being no further nominations, Mr. Dabney was appointed as a member of the Blue Ridge Behavioral Healthcare Board of Directors, for a term ending December 31, 2007, by the following vote:

FOR MR. DABNEY: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

There being no further business, the Mayor declared the meeting adjourned at 7:30 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

C. Nelson Harris
Mayor



WILLIAM M. HACKWORTH
CITY ATTORNEY

CITY OF ROANOKE
OFFICE OF CITY ATTORNEY
464 MUNICIPAL BUILDING
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TIMOTHY R. SPENCER
STEVEN J. TALEVI
GARY E. TEGENKAMP
DAVID L. COLLINS
HEATHER P. FERGUSON
ASSISTANT CITY ATTORNEYS

March 7, 2005

Honorable C. Nelson Harris, Mayor
and Members of City Council
Roanoke, Virginia

Re: Amendment No. 1 to Agreement between City of Roanoke and YMCA of Roanoke Valley, Inc., dated December 24, 2002

Dear Mayor Harris and Members of Council:

Subparagraph A of Paragraph No. 12 of the Agreement dated December 24, 2002, between the City of Roanoke ("City") and YMCA of Roanoke Valley, Inc. ("YMCA"), requires the YMCA to transfer a portion of the property on which the old YMCA facility is located to the City by March 1, 2005. However, the Agreement requires the YMCA to remove asbestos from the old YMCA facility before the YMCA transfers it to the City. Because of complications related to the removal of the asbestos from the facility, the YMCA has not completed the removal and has not, therefore, transferred the property to the City. Accordingly, the YMCA has requested that the City agree to extend the deadline by which the YMCA must transfer the property to the City. (The YMCA requested that the deadline be extended to April 30, 2005, but because that date is a Saturday, I have prepared an amendment which extends the deadline to April 29, 2005.)

For the reasons stated above, I recommend adoption of the attached ordinance, which authorizes the City Manager to execute an appropriate amendment to the agreement with the YMCA to accomplish the above.

With kindest personal regards, I am

Sincerely yours,

William M. Hackworth
William M. Hackworth
City Attorney

WMH/SJT:s
Attachment

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager
Steve Buschor, Director of Parks and Recreation
Cal Johnson, Executive Director, YMCA of Roanoke Valley, Inc.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the City Manager to execute Amendment No. 1 to the Agreement dated December 24, 2002, between the City of Roanoke and the YMCA of Roanoke Valley, Inc. ("YMCA"), to extend the date by which the YMCA must transfer to the City of Roanoke a portion of the property on which the former YMCA facility is located to April 29, 2005; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. The City Manager and City Clerk are hereby authorized to execute and attest, respectively, on behalf of the City, in form approved by the City Attorney, Amendment No. 1 to the Agreement dated December 24, 2002, between the City of Roanoke and the YMCA, to extend the date by which the YMCA must transfer to the City of Roanoke a portion of the property on which the former YMCA facility is located to April 29, 2005.
2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



WILLIAM M. HACKWORTH
CITY ATTORNEY

CITY OF ROANOKE
OFFICE OF CITY ATTORNEY
464 MUNICIPAL BUILDING
215 CHURCH AVENUE, SW
ROANOKE, VIRGINIA 24011-1595

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TIMOTHY R. SPENCER
STEVEN J. TALEVI
GARY E. TEGENKAMP
DAVID L. COLLINS
HEATHER P. FERGUSON
ASSISTANT CITY ATTORNEYS

March 7, 2005

Honorable C. Nelson Harris, Mayor
and Members of City Council
Roanoke, Virginia

Re: Approval of Amendments to Bylaws of Blue Ridge Behavioral Healthcare

Dear Mayor Harris and Members of Council:

Blue Ridge Behavioral Healthcare is the local Community Services Board ("CSB") formed pursuant to Section 37.1-194, *et. seq.* of the Code of Virginia (1950), as amended. The cities of Roanoke and Salem and the counties of Roanoke, Botetourt and Craig each comprise and participate in the CSB. Blue Ridge Behavioral Healthcare has amended its bylaws to bring them into conformity with current provisions of the State Code. The State Code requires approval of each of the governing bodies of the political subdivisions that participate in the CSB of bylaw changes.

Wilburn C. Dibling, who represents the CSB, has forwarded to this office a draft of the Amended and Restated Bylaws of Blue Ridge Behavioral Healthcare, which I have attached to this letter. My office and the Department of Social Services have reviewed the Amended Bylaws and have no objections. It is my understanding that the other participating political subdivisions have also reviewed the Bylaws and have no objections to the draft attached.

The amendments and additions to the bylaws include the following: (1) distinguishing between the board of directors of the CSB that is appointed by the participating localities and the organization that provides services to consumers; (2) clarification of the compositional requirements of the CSB; (3) establishment of new procedures for the appointment of CSB Board members; (4) clarification of the extent to which the delegated duties of the CSB require approval of the participating political subdivisions; and (5) incorporation of language that clarifies that the CSB has no authority to bind the participating political subdivisions or extend their credit.

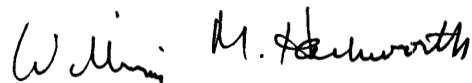
The Honorable Mayor and Members
Of City Council
March 7, 2005

2

A resolution approving the amended bylaws is attached for your consideration and approval. Should you have any questions, please do not hesitate to contact me.

With kindest personal regards, I am

Sincerely yours,

A handwritten signature in black ink, appearing to read "William M. Hackworth". The signature is fluid and cursive, with the first name "William" and last name "Hackworth" clearly distinguishable.

William M. Hackworth
City Attorney

WMH:s
Attachment

cc: Darlene L. Burcham, City Manager
Jane Conlin, Director of Human Services
Mary F. Parker, City Clerk

~~BY-LAWS~~
~~for~~AMENDED AND RESTATED BYLAWS
of
BLUE RIDGE BEHAVIORAL HEALTHCARE
(~~name change~~-effective _____, 2005

ARTICLE I - INTRODUCTORY STATEMENTS

~~The name shall be BLUE RIDGE BEHAVIORAL HEALTHCARE.~~

Section 1. Background. Blue Ridge Behavioral Healthcare is an Operating Community Services Board formed pursuant to and governed by the provisions of Section 37.1-194 et. seq. of the Code of Virginia (the "Code"). As described in 37.1-194.1 of the Code, the term "Community Services Board" denotes both "the board, the members of which are appointed" by the governing body of the local political subdivisions which established it, and the "organization which provides . . . services, through its own staff or through contracts with other providers." For purposes of clarity, all further references herein to the "Board" shall refer to "the board, the members of which are appointed" by the governing body of the local political subdivisions which established it, and all further references to "Blue Ridge Behavioral Healthcare" shall refer to the "organization which provides . . . services, through its own staff or through contracts with other providers."

Section 2. Statement of Authority. Pursuant to the authority granted by 37.1-197(A)(5) of the Code, these Amended and Restated Bylaws constitute a partial statement of the rules, policies, and regulations concerning the rendition and operation of services and facilities under the direction or supervision of the Board and Blue Ridge Behavioral Healthcare.

ARTICLE II – PURPOSE

The purpose of the Board and Blue Ridge Behavioral Healthcare is:

Section 1. To serve as an ~~o~~Operating Community Services Board formed pursuant to Section 37.1-194 et. seq. of the Code of Virginia, providing a system of comprehensive community mental health, mental retardation and substance abuse services for the benefit and under local control the control of the Cities of Roanoke and Salem, and Counties of Botetourt, Craig, and Roanoke ("Local Political Subdivisions").

Section 2. To relate and integrate existing and planned programs.

Section 3. To assure quality service and continuity of care in the areas of emergency services, case management, prevention, case finding, consultation, diagnosis, treatment, care, training, prescreening, case and rehabilitation by the establishment of new programs under direct administration of the Blue Ridge Behavioral Healthcare and the Board where current programs are nonexistent or inadequate, or by entering into affiliatory

agreements with agencies already providing services for the enhancement of those services, or for the creation of such services.

Section 4. To provide continuing education to the public, ongoing research, training of personnel and evaluation of ongoing programs.

ARTICLE III MEMBERSHIP ON THE BOARD

~~Membership shall number sixteen, with three members each from the Cities of Roanoke and Salem and the Counties of Botetourt and Roanoke, and one member from the County of Craig. Three members at large are to be recommended by the Board and must be jointly appointed by the five jurisdictions. One third of the appointments to the Board shall be identified consumers or family members of consumers, at least one of whom shall be a consumer receiving services. The Board shall inform the member governments of the number of Board members in each of the above categories prior to each appointment cycle.~~

Section 1. Number. The Board shall consist of sixteen (16) members.

Section 2. Manner of Appointment. The Councils of the Cities of Roanoke and Salem, and the Board of Supervisors of the Counties of Botetourt and Roanoke, shall each appoint three Members of the Board, while the County of Craig shall appoint one Member of the Board (the "Local Political Subdivisions Appointees"). The Board shall further nominate three persons to serve as Members of the Board ("Board Nominees"), who must be appointed by the five Local Political Subdivisions in the manner provided in Section 5.b of this Article ("Board Nominee Appointees") (Local Political Subdivision Appointees and Board Nominee Appointees are hereinafter collectively referred to as "Appointees"). Furthermore, if the immediate past Chair of the Board is not reappointed as an Appointee by virtue of the fact that he is ineligible to serve another term pursuant to Section 4 of this Article, then he shall serve as an advisor to the Board for an additional one year term and shall be entitled to attend all Board meetings.

Section 3. Composition of the Board.

a. In General. The Local Political Subdivisions shall endeavor to appoint Appointees and the Board shall endeavor to nominate Board Nominees which are broadly representative of the Local Political Subdivision communities. Prior to making any appointment to the Board, the appointing authority shall disclose and make available to the public the names of those persons being considered for appointment.

b. Persons Specifically Included. Notwithstanding the generality of the forgoing, at any one time, one-third of the Board Members shall be identified consumers receiving services ("Consumers") or family members of Consumers ("Family Members of Consumers"), and at least one Board Member shall be a Consumer.

c. Local Political Subdivision Official Representation on Board. The Board shall not be composed of a majority of local government officials (whether elected or appointed) (both, "Local Political Subdivision Officials"), nor shall any Local Political

Subdivision be represented by Appointees to the Board by more than two Local Political Subdivision Officials of such Local Political Subdivision. The former requirement shall hereinafter be referred to as the "Less Than Majority Requirement," while the latter shall be referred to as the "No More Than Two Requirement."

d. Nongovernmental Service Provider Representation on Board. In general, no employee or board member of an organization which receives funding from Blue Ridge Behavioral Healthcare shall be appointed a Member of the Board; provided, however, nothing shall preclude any member of the Board from serving as an officer or board member, or in any other capacity for Blue Ridge Behavioral Healthcare, Inc., The Roanoke Mental Hygiene Service, Incorporated, or any other similar organization organized and controlled by the Board, Blue Ridge Behavioral Healthcare, or its Board Members which exists to support Blue Ridge Behavioral Healthcare.

~~This Board shall represent the Cities of Roanoke and Salem and the Counties of Botetourt, Craig, and Roanoke who shall appoint Board members and shall notify the Board of appointees. The term of office shall be for three years from~~Section 4. Term.
~~Each Board Member shall serve for a term of three years, which term shall begin on the first day of January of the year of appointment. Terms of office will~~The Board Members' terms shall continue to be staggered in an effort to provide~~ensure~~that no more than six Board Members' terms expire in a given year. Any adjustment to the expiration date of current terms will be accomplished by attrition through expiring terms or other vacancies. Vacancies shall be filled for the unexpired term any given year. No person shall be eligible to serve as a Board Member for more than three successive three-year terms, provided that ~~persons heretofore and hereafter~~a person who is appointed to fill ~~vacancies~~a vacancy on the Board may serve three additional successive terms. ~~Any member of the Board may be removed by the appointing authority for cause, after being given a written statement of the causes and an opportunity to be heard thereon.~~after the term in which the vacancy was created terminates.

Section 5. Mechanics of Appointment.

a. Local Political Subdivision Appointees. Three months prior to the natural expiration and immediately upon the unexpected expiration (death, disability, and the like) of the term of a Board Member who is a Local Political Subdivision Appointee, the Board shall notify the Local Political Subdivision which appointed him or her of:

- (i) the date on which such Board Member's term will expire or has expired;
- (ii) the number of successive terms that the Board Member will be eligible to serve upon the termination of the Member's current term;
- (iii) the number of Consumers and Family Members of Consumers who will be required to be appointed to the Board upon termination of the Member's current term;

- (iv) the number of Local Political Subdivision Officials who will be eligible to be Members of the Board pursuant to the Less Than Majority Requirement, and the number of Local Political Subdivision Officials that such Local Political Subdivision will be eligible to appoint pursuant to the No More Than Two Requirement, both as of the expiration of the Member's current term;
- (v) any such other attributes which the Board Members may be required by the Code to have; and
- (vi) a recommendation by the Board as to the attributes that such Local Political Subdivision Appointee shall have in order to comply with the provisions of this Article and the Code.

The Local Political Subdivision who nominated such Board Member whose term has expired or will expire shall thereafter promptly appoint a person who is eligible to serve on the Board pursuant to the provisions of this Article and the Code to fill such vacancy as of the date on which such term has expired or will expire.

b. Board Nominee Appointees. Three months prior to the natural expiration and immediately upon the unexpected expiration (death, disability, and the like) of the term of a Board Member who is a Board Nominee Appointee, the Board shall convene to discuss the attributes that a Board Member who replaces such other Board Member will likely need to possess in order to comply with the provisions of the Article and with the Code, considering all of the facts and circumstances. After due consideration, the Board shall, by majority vote, nominate a person to fill such vacancy as of the date on which such term has expired or will expire (a "Board Nominee"). The Board shall submit the name of such Board Nominee to each of the Local Political Subdivisions. If each Local Political Subdivision approves such Board Nominee, the Board Nominee shall be deemed appointed by all of the Local Political Subdivisions. If any Local Political Subdivision disapproves such Board Nominee, the Board shall then convene again, and after due consideration, nominate a second person to fill such vacancy (the "Second Board Nominee"). The Second Board Nominee shall be deemed nominated by all Local Political Subdivisions upon approval by a majority of the Local Political Subdivisions. If the Local Political Subdivisions do not by majority vote approve of the Second Board Nominee, the Board shall continue to nominate persons until a majority of the Local Political Subdivisions does so approve.

Section 6. Removal.

a. Local Political Subdivision Appointees. Any Board Member who is a Local Political Subdivision Appointee may be removed for cause by the Local Political Subdivision which appointed him or her after he or she is given a written statement of the causes for his or her removal, and an opportunity to be heard by the Local Political Subdivision which appointed him or her or, at his or her election, the Board.

b. Board Nominee Appointees. Any Board Member who is a Board Nominee Appointee may be removed for cause by majority vote of the Local Political Subdivisions after he or she is given a written statement of the causes for his or her removal, and an opportunity to be heard by the Local Political Subdivisions or, at his or her election, the Board.

ARTICLE IV - POWERS AND DUTIES OF THE BOARD

The Board shall have the following powers and duties:

~~Section 1. To serve as Board of Directors for the Mental Health, Mental Retardation and Substance Abuse Services program.~~

Section 1. To review and evaluate all existing and proposed public community mental health, mental retardation, and substance abuse services and facilities available to serve the communities of the Local Political Subdivisions, and to review and evaluate any private services and facilities which receive funds from Blue Ridge Behavioral Healthcare, and to advise the City Councils and Boards of Supervisors of the Local Political Subdivisions as to its findings.

Section 2. To review and evaluate programs either operated directly by Blue Ridge Behavioral Healthcare or through contractual agreements to ensure the adequacy of service, conformance to standards accepted, and make certain that community needs for mental health, mental retardation and substance abuse services are being met.

Section 3. To appoint an Executive Director of Blue Ridge Behavioral Healthcare (the "Executive Director") whose qualifications meet the standards fixed by the Department and prescribe his duties. The compensation of such Executive Director shall be fixed by the Board and within the amounts made available by appropriation therefor.

Section 4. To set performance objectives and evaluation criteria for the Executive Director, who will be responsible directly to the Board for all aspects of programs directly and indirectly under the purview of the Blue Ridge Behavioral Healthcare.

Section 5. To direct Blue Ridge Behavioral Healthcare to accept or refuse gifts, donations, bequests or grants of money or property from any source, and to cause Blue Ridge Behavioral Healthcare to utilize the same as authorized by the Board, it being the intent of the Local Political Subdivisions to presently and expressly authorize the Board to make all such future decisions on behalf of Blue Ridge Behavioral Healthcare.

Section 6. To apply for and accept loans as authorized by the governing bodies of each of the Local Political Subdivisions.

Section 7. It being the intent of the Local Political Subdivisions to presently and expressly authorize the Board to make all such future decisions on behalf of Blue Ridge Behavioral Healthcare (subject to the limitations provided for in Article VI hereof), upon recommendation of the Budget and Finance Committee, to cause Blue Ridge Behavioral Healthcare:

- a. to establish and maintain a line of credit sufficient to maintain the day-to-day operations of the programs under its jurisdiction;
- b. to guarantee the obligations of The Roanoke Mental Hygiene Service, Incorporated or Blue Ridge Behavioral Healthcare, Inc., both of which are Virginia non-stock corporations controlled by the Board and which operate to support the mission of Blue Ridge Behavioral Healthcare; and
- c. to enter into such other similar arrangements which support the objectives and purposes of Blue Ridge Behavioral Healthcare.

Section 8. To cause Blue Ridge Behavioral Healthcare to disburse funds (in any manner deemed appropriate, whether by loan, grant, or otherwise) in furtherance of its purposes or in the exercise of its powers or duties, it being the intent of the Local Political Subdivisions to presently and expressly authorize the Board to make all such future decisions on behalf of Blue Ridge Behavioral Healthcare.

Section 9. To take and cause Blue Ridge Behavioral Healthcare to take all necessary and appropriate actions to maximize the involvement and participation of consumers and family members of consumers in policy formulation and services planning, delivery, and evaluation.

Section 10. To generally direct and supervise Blue Ridge Behavioral Healthcare's operations and the exercise by it of its powers and duties provided for in Article V hereof and by the Code, to the extent determined reasonable by the Board, or as recommended by the Local Political Subdivisions.

Section 11. To generally take any such actions which are reasonably related to any of the forgoing and which are consistent with Blue Ridge Behavioral Healthcare's purposes identified in Article II hereof.

ARTICLE V – POWERS AND DUTIES OF BLUE RIDGE BEHAVIORAL HEALTHCARE

The powers and duties of Blue Ridge Behavioral Healthcare are:

Section 1. To be the sole recipient of local tax funds to be matched by State and/or Federal funds for the mental health, mental retardation and substance abuse services programs and to have authority for the expenditure of all such local tax funds allocated to it.

Section 3. To review and evaluate programs either operated directly or through contractual agreements to ensure the adequacy of service, conformance to standards accepted, and make certain that community needs for mental health, mental retardation and substance abuse services are being met. Section 4.2. To submit to the governing body or bodies of each political subdivision, of which it is an

agency of each Local Political Subdivision an annual performance contract for community mental health, mental retardation and substance abuse services ~~and facilities~~ (the "Annual Performance Contract") for approval by each such Local Political Subdivision prior to submission of the Annual Performance Contract to the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services (the "Department").

Section 53. Within amounts appropriated therefor, to execute such programs and maintain such services as may be authorized under such ~~appropriations~~ Annual Performance Contract.

Section 64. ~~To~~ In accordance with its Annual Performance Contract, to enter into contracts with other providers for the rendition or operation of services or facilities.

Section 75. To make further rules or regulations concerning the rendition or operation of services and facilities under its direction or supervision, subject to these Amended and Restated Bylaws and applicable standards or regulations of the Department of Mental Health, Mental Retardation, and Substance Abuse Services.

Section 8. ~~To appoint an Executive Director of Blue Ridge Behavioral Healthcare whose qualifications meet the standards fixed by the Department of Mental Health, Mental Retardation, and Substance Abuse Services and prescribe his duties. The compensation of such executive director shall be fixed by the Board and within the amounts made available by appropriation therefor. This Executive Director will be responsible directly to the Blue Ridge Behavioral Healthcare Board for all aspects of programs directly and indirectly under the purview of the Blue Ridge Behavioral Healthcare Board.~~ Section 9-6. To prescribe a reasonable schedule of fees for services provided by personnel or facilities under the jurisdiction or supervision of the ~~Board~~ Blue Ridge Behavioral Healthcare and for the manner of collection of same; provided, however, that all collected fees shall be included in the ~~p~~Performance eContract submitted to the ~~participating governments~~ Local Political Subdivisions and provided, further, that such collected fees shall be used only for the provision of community mental health, mental retardation and substance abuse services.

Section 10. ~~To accept or refuse gifts, donations, bequests or grants of money or property from any source and utilize the same as authorized by the political subdivisions, of which it is an agency.~~

Section 11. ~~To seek and accept funds through State and Federal grants and maintain a line of credit sufficient to maintain the day-to-day operations of the programs under its jurisdiction.~~ Section 12-7. To ensure that the financial records of Blue Ridge Behavioral Healthcare are audited annually by an independent auditor approved by the Director of Finance of the City of Salem, serving as fiscal agent by agreement of the participating governments, and that the auditor's report is submitted to the ~~political subdivisions, of which it is an agency~~ Local Political Subdivisions and to the Department of

Section 8. To develop joint annual written agreements, consistent with policies and procedures established by the Virginia Mental Health, Mental Retardation, and Substance Abuse Services- Board (the "State Board"), with local school divisions; health departments; boards of social services; housing agencies, where they exist; courts; sheriffs; area agencies on aging; and regional Department of Rehabilitative Services offices (the "Participating Agencies"). The agreements shall specify what services will be provided to consumers, and Blue Ridge Behavioral Healthcare shall make best efforts to cause each of the Participating Agencies to develop and implement the agreements and to review them annually.

Section 9. To generally take any such actions which are reasonably related to any of the forgoing and which are consistent with Blue Ridge Behavioral Healthcare's purposes identified in Article II hereof, or which are otherwise expressly or impliedly required by the Code, it being the intent of the Local Political Subdivisions which have adopted these Amended and Restated Bylaws that all powers not expressly reserved herein to the Local Political Subdivisions or to the Board are granted to Blue Ridge Behavioral Healthcare.

ARTICLE VI - POWERS EXPRESSLY NOT GRANTED

Neither the Board nor Blue Ridge Behavioral Healthcare shall have the power to bind the current or any future governing body of the Local Political Subdivisions, or the Local Political Subdivisions themselves, for any debt or other obligation of Blue Ridge Behavioral Healthcare.

ARTICLE ~~V~~ VII - OFFICERS

Section 1. Officers. The Officers of this Board shall be Chair, Vice-Chair, Treasurer and Secretary.

Section 2. Chair. The duties of the Chair shall be:

- a. To preside at all meetings of the Board and the Executive Committee.
- b. To appoint all committees deemed necessary for the operation of the Board as authorized by the Board.
- c. To work closely with the Executive Director and staff.
- d. To perform any other duties determined by the Board.

Section 3. Vice-Chair. The duties of the Vice-Chair shall be:

- a. To perform the duties of the Chair in his/her absence.

- b. To perform any other duties as assigned by the Board or the Chair.

Section 4 Treasurer. The duties of the Treasurer shall be:

- a. To perform the duties of the Chair in the absence of the Chair and the Vice-Chair.
- b. To serve as Chair of the Budget and Finance Committee.
- c. To perform any other duties as assigned by the Board or the Chair.

Section 5. Secretary. The duties of the Secretary shall be:

- a. To perform the duties of the Chair in the absence of the Chair, the Vice-Chair, and the Treasurer.
- b. To ensure that accurate records of all Meetings of the Board are maintained.
- c. To perform any other duties as assigned by the Board or the Chair.

ARTICLE ~~VI~~-~~VIII~~ – NOMINATIONS, ELECTION, AND TERMS OF OFFICE

Section 1. Nominating Committee. A Nominating Committee will be appointed by the Board in time to make recommendations to the Board with regard to a slate of prospective Board officers at least ~~thirty~~30 days prior to the end of each calendar year.

Section 2. Election of Officers. The Board shall elect its officers at the last meeting preceding the new calendar year. A majority of those present and voting shall constitute an election.

Section 3. Term of Office. The term of office shall begin on January 1 and shall be for one year. No officer may serve more than two consecutive terms in the same office.

Section 4. Vacancies. Any vacancy occurring in the officers shall be filled by the Board.

ARTICLE ~~VII~~-~~IX~~ – MEETINGS OF THE BOARD

Section 1. Regular Meetings. Regular meetings shall be held at a time to be determined by the Board.

Section 2. Special meetings. Special meetings may be called by the Chair or upon written request of three ~~members~~Members of the Board.

Section 3. Quorum. The quorum for all Board meetings shall be six ~~m~~mMembers, including one officer of the Board.

Section 4. Executive Committee Meetings. The Executive Committee shall meet at the discretion of the Chair.

Section 5. Executive Committee Quorum. The quorum for all Executive Committee meetings shall be a majority of the Committee.

ARTICLE ~~VIII~~IX - EXECUTIVE COMMITTEE

Section 1. Executive Committee Membership. The elected officers of the Board and the immediately preceding Chair of the Board shall constitute the Executive Committee. In addition, if no Local Political Subdivision Appointee appointed by a given Local Political Subdivision has been elected an officer of which the Board (the "Unrepresented Local Political Subdivision"), then one Local Political Subdivision Appointee appointed by such Unrepresented Local Political Subdivision shall also serve on the Executive Committee. The Chair and Secretary of the Board shall be, respectively, Chair and Secretary. ~~Representation of each jurisdiction shall be assured by the appointment of a member to~~ of the Executive Committee when no elected officer represents such jurisdiction.

Section 2. Duties. It shall be the duty of this ~~C~~Ecommittee to conduct the necessary business between meetings of the Board. All actions taken ~~are~~shall be subject to ratification at the next regular meeting of the ~~b~~Board.

Section 3. Annual Evaluation. It shall be the duty of this committee to conduct an annual evaluation of the Executive Director for presentation to the full Board and to act for the Board in contract negotiations with the Executive Director.

ARTICLE ~~IX~~XI – BLUE RIDGE BEHAVIORAL HEALTHCARE STANDING COMMITTEES

Section 1. Ex-officio Members of Committees. The Chair of the Board¹ and the Executive Director shall be ex- officio members of all Blue Ridge Behavioral Healthcare committees to which they are not specifically appointed.

Section 2. Standing Committees. There shall be the following standing committees, whose functions shall be ~~advisory~~limited to advising the Board:

a. Budget and Finance. This Committee shall review the budgets, financial affairs and policies, and audit reports of the agency and its subcontractors, and make recommendations to the ~~full~~ Board. In addition, it shall aid in the presentation of budgets ~~at various levels of~~ to governments and other bodies or persons.

b. Community Relations. This Committee shall implement a program of information for the various agencies and governments and the public in conjunction with the Executive Director.

c. Community Support Services Committee. This Committee will review community support programs and make recommendations to the Board for the enhancement of these services. In addition, this committee will participate in the Board's planning process for the Community Support Services program area.

d. Administrative Services Committee. The function of this Committee is to review and make recommendations to the Board concerning Human Resources and Quality Assurance policies and guidelines.

e. Child and Family Services Committee. This Committee will review child and family services programs and make recommendations to the Board for the enhancement of these services. In addition, this Committee will participate in the Board's planning process for the Child and Family Services program area.

f. Prevention Assessment and Counseling Services Committee. This Committee will review assessment and counseling programs and make recommendations to the Board for the enhancement of these services. In addition, this Committee will participate in the Board's planning process for the Assessment and Counseling Services program area.

ARTICLE ~~XXII~~ - INDEMNIFICATION

Section 1. Indemnification of Officers and Directors. Blue Ridge Behavioral Healthcare shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (including an action or suit by or in the right of Blue Ridge Behavioral Healthcare to procure a judgment in its favor) by reason of the fact that he is or was a director or officer of Blue Ridge Behavioral Healthcare or is or was serving at the request of Blue Ridge Behavioral Healthcare as a director or officer of a corporation, partnership, joint venture, trust or other enterprise, against judgments, fines, amounts paid in settlement, and expenses (including attorneys' fees) actually and reasonably incurred by him in connection with such action, suit or proceeding except only in relation to any claim, issue or matter as to which such person shall have been finally adjudged to be liable for his gross negligence or willful misconduct. Each such indemnity shall inure to the benefit of the heirs, executors and administrators of such person.

Section 2. Qualification for Indemnification. Any indemnity under subsection (1) above shall (unless authorized by a court) be made by Blue Ridge Behavioral Healthcare only as authorized in the specific case, upon a determination that the director or officer was not guilty of gross negligence or willful misconduct in the performance of his duty, and, in case of a settlement, that such settlement was, or if still to be made is, consistent

with such indemnity, and the best interests of Blue Ridge Behavioral Healthcare. Such determination shall be made (i) by the Board of Directors by a majority vote of a quorum consisting of directors who were not parties to such action, suit or proceeding, or (ii) if such a quorum is not obtainable, or, even if obtainable, a quorum of disinterested directors so directs, by independent legal counsel in a written opinion. If the determination is to be made by the Board of Directors, it may rely, as to all questions of law, on the advice of independent counsel.

Section 3. Expenses of Defense. Expenses incurred in defending an action suit or proceeding, whether civil, administrative or investigative, may be paid by Blue Ridge Behavioral Healthcare in advance of the final disposition of such action, suit or proceeding as authorized by vote of the persons provided in subsection (2) of this section, upon receipt of an undertaking by or on behalf of the director or officer to repay such amount unless it shall ultimately be determined that he or she is entitled to be indemnified by Blue Ridge Behavioral Healthcare as authorized in this section.

Section 4. Nonexclusive Right of Indemnification. The right of indemnification provided by this section shall not be exclusive of any other rights to which any director or officer may be entitled, including any right under policies of insurance that may be purchased and maintained by Blue Ridge Behavioral Healthcare or others, even as to claims, issues or matters in relation to which Blue Ridge Behavioral Healthcare would not have the power to indemnify such director or officer under the provisions of this section.

Section 5. Insurance. Blue Ridge Behavioral Healthcare may purchase and maintain, at its sole expense, insurance against all liabilities or losses it may sustain in consequence of the indemnification provided for in this section, in such amounts and on such terms and conditions as the Board of Directors may deem reasonable.

ARTICLE ~~X~~XIII - CONSUMER INVOLVEMENT

It shall be the policy of this Board to encourage, and be receptive to, consumer involvement. Meetings of the Board shall be open to the public. Liaison with ~~identified~~ consumer groups will be maintained to facilitate optimum consumer involvement. Periodic reports (such as the Blue Ridge Behavioral Healthcare Annual Report, Newsletter, and evaluation reports) will be available to the public, and copies distributed to appropriate consumer organizations.

ARTICLE ~~X~~XIV - CONFLICT OF INTEREST

Whenever a Board ~~m~~Member or Committee member has cause to believe that a matter to be voted upon would involve him in a conflict of interest, he shall comply with the provisions of the Virginia Comprehensive Conflict of Interest Acts, Sections 2.1-599, *et seq.*, ~~1950 of the Code of Virginia, as amended.~~

ARTICLE ~~XIII~~XV

Robert's Rules of Order, revised, shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these ~~By laws~~Bylaws.

ARTICLE XVI~~V~~

These ~~By laws~~Bylaws shall be reviewed annually by the Board and may be amended at any regular meeting of the Board by two-thirds vote of those present and voting, notice having been submitted in writing ~~fifteen~~(15) days prior to the meeting, subject to the approval of the governing bodies of the Local Political Subdivisions.

Adopted at a regular meeting of the Board _____by unanimous vote.
Date:—

Secretary of Blue Ridge Behavioral Healthcare

Ratified by:

Botetourt County _____
Roanoke City _____
Craig County _____
Salem _____
Roanoke County _____

Ratification Reviewed as of _____

Date _____Secretary of Blue Ridge Behavioral
Healthcare

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION ratifying the amendments to the bylaws of Blue Ridge Behavioral Healthcare.

WHEREAS, the Board of Blue Ridge Behavioral Healthcare has unanimously recommended Amended and Restated Bylaws (the "Amended Bylaws") and has requested the governing body of each political subdivision participating in Blue Ridge Behavioral Healthcare ratify the Amended Bylaws which are more particularly described in the attachment to the City Attorney's letter dated March 7, 2005, to this Council; and

WHEREAS, the City of Roanoke is a participating political subdivision in Blue Ridge Behavioral Healthcare, and this Council desires to grant the requested ratification.

THEREFORE, BE IT RESOLVED that the Council of the City of Roanoke hereby ratifies the Amended Bylaws of Blue Ridge Behavioral Healthcare.

ATTEST:

City Clerk.



WILLIAM M. HACKWORTH
CITY ATTORNEY

CITY OF ROANOKE
OFFICE OF CITY ATTORNEY
464 MUNICIPAL BUILDING
215 CHURCH AVENUE, SW
ROANOKE, VIRGINIA 24011-1595

TELEPHONE: 540-853-2431
FAX: 540-853-1221
EMAIL: cityatty@ci.roanoke.va.us

TIMOTHY R. SPENCER
STEVEN J. TALEVI
GARY E. TEGENKAMP
DAVID L. COLLINS
HEATHER P. FERGUSON
ASSISTANT CITY ATTORNEYS

March 7, 2005

Honorable C. Nelson Harris, Mayor
and Members of City Council
Roanoke, Virginia

Re: Amendments to Chapter 27.1,
Signs, Awning, Marquees, Canopies, Clocks and Thermometers, of City Code

Dear Mayor Harris and Members of Council:

The City routinely receives applications from merchants desiring to install signs that advertise their businesses. Sometimes these signs encroach into the public right-of-way, which requires that City Council approve them before permits may be issued for the installation of such signs. However, the Code of Virginia does not require localities to have the approval of the local governing body before certain appendages from buildings that encroach into the public right-of-way and other public property, including signs, may be authorized.

In an effort to streamline the application process for merchants desiring to install such signs, City staff has proposed amending the City Code to grant the City Manager the administrative authority to approve signs and other appendages from buildings that encroach into the public right-of-way and other public property, in those circumstances in which Council is not required to do so.

We have prepared the attached ordinance which amends Chapter 27.1-2 of the City Code to grant the City Manager the authority to approve permits for signs and other appendages from buildings that encroach into the public right-of-way and other public property. The code amendment also provides for certain revisions that include identifying additional appendages from buildings which require a permit, and increasing the amount of liability insurance required for the issuance of such permits.

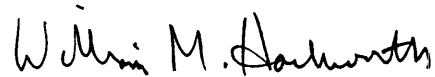
This ordinance is attached for your consideration and adoption. Should you have any questions, please do not hesitate to contact me.

The Honorable Mayor and Members
Of City Council
March 7, 2005

2

With kindest personal regards, I am

Sincerely yours,

A handwritten signature in black ink, reading "William M. Hackworth". The signature is written in a cursive style with a large, stylized 'W' and 'H'.

William M. Hackworth
City Attorney

WMH:s
Attachment

cc: Darlene L. Burcham, City Manager
R. Brian Townsend, Director, Planning Building and Development
Mary F. Parker, City Clerk
Philip Schirmer, City Engineer

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending the title of Chapter 27.1, SIGNS, AWNINGS, MARQUEES, CANOPIES, CLOCKS AND THERMOMETERS; amending and reordaining §27.1-1, Requirements, and subsections (1)(a), (1)(c) (1)(d), (4), (5) and (6), of §27.1-2, Projections over sidewalks, streets, alleys or other public property, deleting subsection (1)(b) and adding subsection (7) and of §27.1-2, Projections over sidewalks, streets, alleys or other public property, and amending and reordaining §27.1-6, Signs on public property, of Article I, In General, of Chapter 27.1, SIGNS, AWNINGS, MARQUEES, CANOPIES, CLOCKS AND THERMOMETERS, of the Code of the City of Roanoke (1979), as amended, by identifying additional projections which can be authorized by permit, providing for authorization by the city manager; and dispensing with the second reading by title of this ordinance.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Chapter 27.1, SIGNS, AWNINGS, MARQUEES, CANOPIES, CLOCKS AND THERMOMETERS, of the Code of the City of Roanoke (1979), as amended, is hereby amended to read as follows:

Chapter 27.1. ~~SIGNS, AWNINGS, MARQUEES, CANOPIES, CLOCKS, AND THERMOMETERS, AND SIMILAR PROJECTIONS OVER CITY RIGHTS-OF-WAY OR PROPERTY.~~

2. Section 27.1-1, Requirements, of the Code of the City of Roanoke (1979), as amended, is hereby amended by identifying additional projections which can be authorized by a permit, and shall read and provide as follows:

Section 27.1-1. Requirements.

(a) No sign, marquee, awning, canopy, *fire escape, cornice, bay window, clock, or thermometer or other appendage to a building*, shall be *attached to, or* erected on or over, a public sidewalk, right-of-way or over public property, and no permit shall be issued for the *attachment or* erection of the same, except in conformance with the zoning regulations of the city and the provisions of the *Virginia* Uniform Statewide Building Code ~~of Virginia~~, as amended.

(b) *No such permit shall be issued unless authorized and approved by the city manager.*

3. Section 27.1-2, Projections over sidewalks, streets, alleys or other public property, of the Code of the City of Roanoke (1979), as amended, is hereby amended by amending subsections (1)(a), (1)(b), (1)(d), (4), (5) and (6), and by adding subsection (7) to read and provide as follows:

Section 27.1-2. Projections over sidewalks, streets, alleys or other public property.

No sign, marquee, awning, canopy, *fire escape, cornice, bay window, clock, or thermometer or other appendage attached to a building* shall be *attached to, or* placed on or project over, any sidewalk, street, alley or other public property, except in conformance with the provisions of the *Virginia* Uniform Statewide Building Code ~~of Virginia~~, as amended, and the following provisions:

(1) Signs.

- (a) No sign projecting over any sidewalk, street, alley or other public property shall project more than forty-eight (48) inches from the property line in the area of ten (10) to thirty (30) feet above ground level; sixty (60) inches in the area of thirty (30) to forty (40) feet above ground level; and seventy-two (72) inches in the area above forty (40) feet above ground level; provided, however, that small signs, not exceeding two and one-half (2 1/2) square feet of display surface and not extending over thirty (30) inches from the building line, may be erected with not less than ninety (90) inches clearance above the ground.
- (b) ~~In addition to the requirements set forth in paragraph (a), above, no sign shall project over any public street, alley or other public right of way unless and until it has been authorized by city council in conformance with the provisions of section 15.1-376.1, Code of Virginia (1950), as amended,~~

~~and such projection shall have a minimum clearance of sixteen (16) feet, as required by section 15.1-376.1.~~

- (b)(e) Within the area of the city zoned C-3, Central Business District, all signs projecting over any sidewalk, street, alley or other public property shall be rigidly secured to the building or structure, and swinging signs are prohibited.
- (c)(d) Within the ~~downtown~~ area of the city zoned C-3, *Central Business District, with an overlay zoning of H-1*, Historic District, the city manager may issue permits for moveable A-frame or "sandwich board" signs to be placed on city sidewalks in locations approved by the city manager, and for such periods of time as are approved by the city manager, after a certificate of appropriateness for the same has been granted by the architectural review board in compliance with the provisions of section 36.1-327. Such signs shall comply with the city's zoning regulations. Such signs shall not be greater than seven (7) feet in height or two and one-half (2 1/2) feet in width, shall be of durable construction, and when displayed shall be anchored in a manner approved by the city manager. Fees for such signs shall be as prescribed by city council in the city's fee compendium for permanent signs. Signs for which permits are issued pursuant to this section are not subject to the provisions of Article II of this chapter. Such signs shall not project over any portion of a street used by vehicles nor shall they obstruct the sidewalk to less than six (6) feet in width.

* * *

- (4) Liability insurance. Any person owning any sign, marquee, awning, canopy, *fire escape, cornice, bay window*, clock, ~~or~~ thermometer *or other appendage to a building*, erected in whole or in part on or over any sidewalk, street, alley or public property and for the erection of which a permit is required pursuant to the provisions of the Virginia Uniform Statewide Building Code or this chapter, shall acquire and maintain in effect a commercial general liability insurance policy which serves to insure the city *and its officers, employees and agents*, against liability resulting from the erection, ~~construction~~, existence, maintenance, inspection and removal of such sign, marquee, awning, canopy, *fire escape, cornice, bay window*, clock, ~~or~~ thermometer *or other appendage to a building*. Such policy shall be one (1) issued by an insurance company authorized to do business in this state and shall provide at a minimum in the amount of ~~one~~ five hundred thousand dollars (~~\$100,000.00~~) (\$500,000.00) *per occurrence* for bodily injury,

including death, property damage and personal and advertising injury. to each person and three hundred thousand dollars (\$300,000.00) for each occurrence, together with property damage coverage of at least fifty thousand dollars (\$50,000.00) per occurrence. A certificate of such insurance shall be filed with and be approved by the building official prior to the issuance of any required permit. Said certificate and policy shall contain a provision binding upon the issuing company agreeing to give the building official at least thirty (30) days prior notice in writing of any cancellation, alteration or termination of such policy or of any intent to do so. In the event that such policy is cancelled, altered or terminated and the policyholder fails to obtain a similar policy, the building official shall refer such noncompliance to the city attorney for appropriate legal action to ensure compliance with this section, including having the sign, marquee, awning, canopy, *fire escape, cornice, bay window, clock, or thermometer or other appendage to a building* in question removed, if necessary. Those persons having paid an annual fee in order to be covered by the blanket public liability insurance policy authorized by the former section ~~27-3~~ 27.1-2 of this chapter shall comply with the above provisions at the end of the annual period of coverage in effect at the time this chapter is enacted. The city manager may terminate said blanket liability policy at such time as the last of the annual periods of coverage authorized by former section ~~27-3~~ 27.1-2 of this chapter has expired.

- (5) Indemnification and hold harmless agreement. Prior to the granting of a permit for the erection of any sign, marquee, awning, canopy, *fire escape, cornice, bay window, clock, or thermometer or other appendage to a building*, on or over any sidewalk, street, alley or public property, the permittee shall execute an agreement that it, its officers, agents, assigns or successors in interest shall indemnify and hold harmless the City of Roanoke and its officers, agents and employees from any and all claims, legal actions, and judgments advanced against the city and for any expense the city may incur in this regard, arising out of the encroachment permitted thereby.
- (6) Discontinuance of encroachments. ~~City council~~ *The city manager* reserves the right under section ~~15-1-376~~ 15.2-2010, Code of Virginia (1950), as amended, to cause any encroachment on or over public property by any sign, marquee, awning, canopy, *fire escape, cornice, bay window, clock, or thermometer or other appendage* to be discontinued at any time for good cause and at the expense of the then owner of the encroaching projection.
- (7) *Within the area of the city zoned C-3, Central Business District, with an overlay zoning of H-1, Historic District, all appendages to*

buildings which are attached to, placed on or project over, any sidewalk, street, alley or other public property, shall be the subject of a certificate of appropriateness issued in compliance with Chapter 36.1 of the Code of the City of Roanoke (1979), as amended.

4. Section 27.1-6, Signs on public property, of the Code of the City of Roanoke (1979), as amended, is hereby amended by providing for authorization by the city manager, and shall read and provide as follows:

Sec. 27.1-6. Signs on public property.

No directional signs, ornamental standards, floodlights, or supports for decorative lighting, other than those owned and maintained by the city, the state or the United States, shall be allowed on any sidewalk, street, avenue, alley or other public way, unless authorized by ~~ordinance of city council~~ *the city manager*.

5. Pursuant to the provisions of §12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE

DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461

P.O. Box 1220

Roanoke, Virginia 24006-1220

Telephone: (540) 853-2821

Fax: (540) 853-6142

JESSE A. HALL

Director of Finance

email: jesse_hall@ci.roanoke.va.us

ANN H. SHAWVER

Deputy Director

email: ann_shawver@ci.roanoke.va.us

March 7, 2005

Honorable C. Nelson Harris, Mayor
 Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
 Honorable M. Rupert Cutler, Council Member
 Honorable Alfred T. Dowe, Jr., Council Member
 Honorable Sherman P. Lea, Council Member
 Honorable Brenda L. McDaniel, Council Member
 Honorable Brian J. Wishneff Council Member

Dear Mayor Harris and Members of City Council:

Subject: January Financial Report

The following narrative provides commentary on the significant trends and budget variances of the first seven months of fiscal year 2005.

Revenues

Revenues through January FY05 increased 7.76% compared to FY04. The adopted budget anticipates 3.4% growth over the previous year's budget, therefore much of the growth year-to-date is due to timing differences in the collection of revenues. Additionally, nearly 1% of the growth from prior year is the result of changes in accounting for charges to the Schools which are further described in the following narrative. Categories with significant variances from the prior year are discussed as follows.

General Property Taxes increased 9.56% in fiscal year 2005 due to an increase of nearly 8% in collections of real estate tax. The first installment of the real estate tax was due October 5th, and the second installment is due April 5th. The tax is budgeted to grow 7.4% as a whole in FY05 when compared to collections of FY04. Delinquent real estate revenues have also grown due to continued collection efforts.

Other Local Taxes have risen 3.47% in fiscal year 2005. E-911 taxes grew as the result of an increase in the rate from \$1.45 to \$2.00 which became effective November 1, 2003. In both fiscal years 2004 and 2005, the City has received one-time collections of prior year unpaid sales tax based on the results of audit reviews. Adjusted to exclude these non-recurring corrections, year-to-date sales tax has increased .7% as of the most recent receipt of revenue, which includes retail sales activity through December. This growth is lower than it was earlier in this fiscal year. In FY04, we experienced higher-than-average growth of about 8%. While we have sustained the level of sales tax we achieved last year, there has been limited growth since that time as performance of the revenue has reached a plateau. The City's ability to achieve sales tax growth is negatively impacted by regional competition when large retail stores are opening in surrounding communities to serve the more suburban/rural areas which were once served by City stores. The cellular phone utility tax has increased in the current year due to collections of prior year unpaid amounts in the amount of \$68,000. The prepared food and beverage tax has increased 5.4% since FY04, while the transient room tax has declined .6%.

Permits, Fees and Licenses increased 15.37% since FY04 as a result of an increase in building inspection fees and excavation permits. Building inspection fees increased as a result of several large building permits including those for the Patrick Henry High School and Water Pollution Control Plant projects. Excavation permit fees increased in FY05, and these fees are being charged to the Water Authority whereas they were not charged when Water and Sewer Funds were components of the City. Revenues were generated in FY05 from Security Alarm Registration fees, a fee which was implemented approximately one year ago.

Grants-in-Aid Commonwealth increased 13.47%, due to increased revenues for social services and other state-funded programs. Total revenues from the Commonwealth in FY05 are estimated at approximately 2% above the FY04 level. In FY05, CSA (Comprehensive Services Act) revenues have increased, correlating with expenditure increases related to the program. Funding of our Sheriff's office from the Compensation Board increased in the current year as compared to last year. This occurred because payment was not made by the Commonwealth in January 2004. This issue was corrected in February 2004 when two payments were received from the State. E911 Wireless funding has increased on a year-to-date basis, yet it is expected to remain close to the FY04 level for the year as a whole. Street maintenance funding has increased 3%, as expected based on the State allocation. HB599 revenues are up approximately 9% which is consistent with expected growth in this revenue, also in accordance with the State allocation.

Grants-in-Aid Federal decreased significantly compared to FY04 when reimbursements were received from FEMA related to flooding in February 2003.

Miscellaneous Revenue increased 30.99% in the current year due to an increase in revenues from sale of surplus alley property, donations and other nonrecurring revenues.

Internal Services increased 18.18% due to a change in accounting between FY04 and FY05 for School Comprehensive Services Act (CSA) and School Resource Officer billings. In prior years, the school share of CSA costs were deducted from the transfer to schools. The School Resource Officers were previously direct expenses of the schools. The resource officers are now accounted for in the City's Police Department and are billed by the General Fund to the Schools.

Expenditures

The FY05 expenditure budget includes funding of nearly \$1.8 million to cover contracts and purchase orders made during FY04 but not paid by the end of that year. City Council approved re-appropriation of this funding when adopting the General Fund budget in May.

General Fund expenditures increased .43%. There has been one fewer payroll on a year to date basis in fiscal year 2005 as compared to fiscal year 2004. This causes most departments' expenditures to decline in the current year. All departments are also affected by the fact that City employees received an average pay raise of 3.0% on July 1, 2004. Other than these items which affect most categories of expenditures, variances between FY04 and FY05 are addressed as follows.

General Government expenditures declined 6.26% in FY05. Billings and Collections expenditures declined when the department's utility billing functions were transferred to the Water Authority July 1, 2004. There is a corresponding decline in revenues for these services which were previously paid by the Water and Water Pollution Control Funds.

Health and Welfare expenditures increased 11.10% despite the reduction in payroll costs on a year to date basis because CSA (Comprehensive Services Act) expenditures have risen. The CSA program has been a continually rising cost of the City due to the increasing number of children being served and some of the costly facilities at which services are provided. Other Social Services expenditures also

increased from FY04 to FY05, mainly as a result of increased expenditures for foster care, special needs adoption and daycare services.

Parks, Recreation and Cultural expenditures declined 6.90% mainly as the result of the difference in payrolls mentioned above.

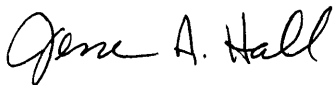
Community Development expenditures decreased 8.29%. Contributions to Mill Mountain Zoo and Center in the Square declined in FY05. One-time contributions were made in FY04 for Mill Mountain Zoo's water line improvements (\$175,000), and for Center in the Square's roof replacement (\$77,000). Expenditures of Planning and Code Enforcement declined in FY05 due to the aforementioned decline in the number of payrolls and due to a reduction in billings for technology services. These billings declined due to the removal of several computer work stations in the department.

The Transfer to School Fund increased as budgeted and is also impacted by the aforementioned change in accounting from FY04 to FY05 related to School CSA costs.

The Transfer to School Capital Projects Fund in FY04 resulted from an appropriation of fund balances relative to CMERP for school construction and renovation costs. There has been no similar transfer in FY05.

Nondepartmental expenditures decreased 23.54% due a net decline in transfers to other funds of the City. Transfers vary from year to year based on transactions between the General Fund and other funds of the City. In FY04, a one-time transfer of approximately \$2.8 million was made from the General Fund to the Parking Fund for the retirement of the lease of the Century Station parking garage. Conversely, transfers to the Capital Projects and Department of Technology Funds increased as a result of increased funding of capital projects.

Sincerely,



Jesse A. Hall
Director of Finance

JAH:ca
Attachments

c: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Sherman M. Stovall, Director of Management and Budget

**CITY OF ROANOKE, VIRGINIA
GENERAL FUND**

STATEMENT OF REVENUE

Revenue Source	Year to Date for the Period			Current Fiscal Year	
	July 1 - January 31 2003-2004	July 1 - January 31 2004-2005	Percentage of Change	Revised Revenue Estimates	Percent of Revenue Estimate Received
General Property Taxes	\$ 28,868,930	\$ 31,629,215	9.56 %	\$ 87,491,000	36.15%
Other Local Taxes	24,220,394	25,061,470	3.47 %	62,631,000	40.01%
Permits, Fees and Licenses	600,806	693,145	15.37 %	1,112,000	62.33%
Fines and Forfeitures	769,474	812,500	5.59 %	1,321,000	61.51%
Revenue from Use of Money and Property	381,908	363,122	-4.92 %	735,000	49.40%
Grants-in-Aid Commonwealth	20,594,741	23,367,961	13.47 %	47,920,839	48.76%
Grants-in-Aid Federal Government	113,552	19,385	-82.93 %	34,000	57.01%
Charges for Services	5,342,281	5,034,187	-5.77 %	8,115,000	62.04%
Miscellaneous Revenue	202,046	264,665	30.99 %	384,484	68.84%
Internal Services	1,332,848	1,575,212	18.18 %	2,730,000	57.70%
Total	\$ 82,426,980	\$ 88,820,862	7.76 %	\$ 212,474,323	41.80%

STATEMENT OF EXPENDITURES AND ENCUMBRANCES

Expenditures	Year to Date for the Period			Current Fiscal Year		
	July 1 - January 31 2003-2004	July 1 - January 31 2004-2005	Percentage of Change	Unencumbered Balance	Revised Appropriations	Percent of Budget Obligated
General Government	\$ 6,939,157	6,504,639	-6.26 %	\$ 5,210,921	\$ 11,715,560	55.52%
Judicial Administration	3,606,398	3,644,461	1.06 %	3,274,498	6,918,959	52.67%
Public Safety	31,182,232	31,438,554	0.82 %	20,997,959	52,436,513	59.96%
Public Works	14,100,822	14,236,359	0.96 %	8,226,289	22,462,648	63.38%
Health and Welfare	16,513,371	18,346,288	11.10 %	11,173,574	29,519,862	62.15%
Parks, Recreation and Cultural	5,373,667	5,003,070	-6.90 %	3,680,763	8,683,833	57.61%
Community Development	3,778,307	3,464,899	-8.29 %	2,327,680	5,792,579	59.82%
Transfer to Debt Service Fund	13,248,243	13,455,087	1.56 %	2,055,583	15,510,670	86.75%
Transfer to School Fund	28,518,843	30,704,584	7.66 %	21,620,802	52,325,386	58.68%
Transfer to School Capital Projects Fund	1,025,630	-	-100.00 %	-	-	0.00%
Nondepartmental	8,239,419	6,299,846	-23.54 %	4,477,291	10,777,137	58.46%
Total	\$ 132,526,089	133,097,787	0.43 %	\$ 83,045,360	\$ 216,143,147	61.58%

**CITY OF ROANOKE, VIRGINIA
CIVIC FACILITIES FUND
COMPARATIVE INCOME STATEMENT
FOR THE SEVEN MONTHS ENDING JANUARY 31, 2005**

	<u>FY 2005</u>	<u>FY 2004</u>
Operating Revenues		
Rentals	\$ 358,108	\$ 380,934
Event Expenses	115,327	109,715
Display Advertising	104,625	44,852
Admissions Tax	272,149	169,623
Electrical Fees	13,025	5,580
Novelty Fees	46,807	29,993
Facility Surcharge	161,601	175,058
Charge Card Fees	63,362	35,397
Commissions	47,938	33,398
Catering/Concessions	429,984	508,946
Other	15,544	8,398
Total Operating Revenues	<u>1,628,470</u>	<u>1,501,894</u>
Operating Expenses		
Personal Services	1,137,172	1,137,366
Operating Expenses	1,189,115	1,124,046
Depreciation	273,868	311,190
Total Operating Expenses	<u>2,600,155</u>	<u>2,572,602</u>
Operating Loss	<u>(971,685)</u>	<u>(1,070,708)</u>
Nonoperating Revenues (Expenses)		
Interest on Investments	21,476	10,318
Flood Damage Reimbursements	-	23,453
Virginia Municipal League	-	11,865
Arena Ventures Contractual Penalties	122,970	117,505
Transfer from General Fund	499,483	477,565
Transfer from General Fund - Victory Stadium	102,277	113,728
Transfer from Capital Projects Fund	-	260,000
Transfer to Debt Service Fund	(48,409)	(43,784)
Interest and Fiscal Charges	(55,741)	(57,114)
Miscellaneous	4,992	1,753
Total Nonoperating Revenues	<u>647,048</u>	<u>915,289</u>
Net Loss	<u><u>\$ (324,637)</u></u>	<u><u>\$ (155,419)</u></u>

**CITY OF ROANOKE, VIRGINIA
PARKING FUND
COMPARATIVE INCOME STATEMENT
FOR THE SEVEN MONTHS ENDING JANUARY 31, 2005**

	<u>FY 2005</u>	<u>FY 2004</u>
Operating Revenues		
Century Station Garage	\$ 224,034	\$ 244,471
Williamson Road Garage	307,061	294,495
Gainsboro Surface	32,305	23,490
Norfolk Ave Surface	37,871	32,700
Market Square Garage	130,280	133,777
Church Ave Garage	363,778	328,940
Tower Garage	235,994	251,414
Williamson Road Surface Lot	51,220	43,442
Gainsboro Garage	61,145	54,525
Other Surface Lots	<u>96,102</u>	<u>81,092</u>
Total Operating Revenues	<u>1,539,790</u>	<u>1,488,346</u>
Operating Expenses		
Operating Expenses	563,981	639,557
Depreciation	<u>337,464</u>	<u>325,655</u>
Total Operating Expenses	<u>901,445</u>	<u>965,212</u>
Operating Income	<u>638,345</u>	<u>523,134</u>
Nonoperating Revenues (Expenses)		
Interest on Investments	18,503	10,768
Transfer from General Fund (see note)	-	2,845,800
Transfer from Department of Technology Fund	-	78,000
Interest and Fiscal Charges	<u>(188,134)</u>	<u>(218,277)</u>
Net Nonoperating Revenues (Expenses)	<u>(169,631)</u>	<u>2,716,291</u>
Net Income	<u><u>\$ 468,714</u></u>	<u><u>\$ 3,239,425</u></u>

Note: The Transfer from General Fund for FY 2004 was to redeem the Century Station Garage lease.

**CITY OF ROANOKE, VIRGINIA
CITY TREASURER'S OFFICE
GENERAL STATEMENT OF ACCOUNTABILITY
FOR THE MONTH ENDED JANUARY 31, 2005**

TO THE DIRECTOR OF FINANCE:

GENERAL STATEMENT OF ACCOUNTABILITY OF THE CITY TREASURER OF THE CITY OF ROANOKE, VIRGINIA FOR THE FUNDS OF SAID CITY FOR THE MONTH ENDED JANUARY 31, 2005.

FUND	BALANCE AT DEC 31, 2004	RECEIPTS	DISBURSEMENTS	BALANCE AT JAN 31, 2005	BALANCE AT JAN 31, 2004
GENERAL	(\$10,957,152.75)	\$12,102,227.04	\$20,841,492.74	(\$19,696,418.45)	(\$19,977,131.20)
WATER	420.00	0.00	0.00	420.00	3,961,280.72
WATER POLLUTION CONTROL	1,738.22	0.00	0.00	1,738.22	26,337,137.13
CIVIC FACILITIES	8,472,918.35	562,845.00	703,075.76	8,332,687.59	1,571,196.40
PARKING	3,121,644.76	223,288.08	115,332.55	3,229,600.29	661,673.81
CAPITAL PROJECTS	59,483,288.30	1,770,827.78	499,538.30	60,754,577.78	49,634,945.31
MARKET BUILDING OPERATIONS	(69,328.21)	19,923.59	28,444.84	(77,849.46)	188,563.37
CONFERENCE CENTER	3,995,016.70	3,124.23	12,693.74	3,985,447.19	4,080,569.32
DEBT SERVICE	16,053,735.90	2,037,038.65	3,173,534.38	14,917,240.17	11,584,902.30
DEPT OF TECHNOLOGY	3,229,912.95	400,704.64	302,119.96	3,328,497.63	4,416,340.50
FLEET MANAGEMENT	(471,521.94)	1,045,349.63	150,422.51	423,405.18	786,112.05
PAYROLL	(18,712,095.42)	19,489,208.04	13,489,963.83	(12,712,851.21)	(12,509,259.35)
RISK MANAGEMENT	11,851,208.03	450,395.48	901,408.90	11,400,194.61	12,185,822.34
PENSION	671,119.96	1,913,302.30	1,962,428.64	621,993.62	997,711.92
SCHOOL FUND	3,396,621.88	5,142,998.28	9,613,888.52	(1,074,268.36)	7,177,204.62
SCHOOL CAPITAL PROJECTS	24,667,212.30	0.00	1,000,857.81	23,666,354.49	7,372,591.66
SCHOOL FOOD SERVICE	(213,414.03)	417,753.38	108,191.41	96,147.94	421,939.41
FDETC	0.00	0.00	0.00	0.00	112,701.37
GRANT	844,459.30	635,737.10	531,538.41	948,657.99	1,115,935.44
TOTAL	\$105,365,784.30	\$46,214,723.22	\$53,434,932.30	\$98,145,575.22	\$100,120,237.12

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE STATEMENT OF MY ACCOUNTABILITY TO THE CITY OF ROANOKE, VIRGINIA, FOR THE FUNDS OF THE VARIOUS ACCOUNTS THEREOF FOR THE MONTH ENDED JANUARY 31, 2005.
THAT SAID FOREGOING:


CASH

CASH IN HAND	\$8,025.32
ACH DEBITS IN TRANSIT	(\$807,835.46)
CASH IN BANK	587,578.79

INVESTMENTS ACQUIRED FROM COMPETITIVE PROPOSALS:

COMMERCIAL HIGH PERFORMANCE MONEY MARKET	5,000,000.00
COMMERCIAL PAPER	2,722,987.36
LOCAL GOVERNMENT INVESTMENT POOL	4,749,190.14
MONEY MANAGEMENT ACCOUNT	10,578,446.09
U. S. AGENCIES	11,498,707.50
VIRGINIA AIM PROGRAM (U. S. SECURITIES)	24,415,600.94
VIRGINIA SNAP PROGRAM (U. S. SECURITIES)	39,392,874.54
TOTAL	\$98,145,575.22

FEBRUARY 25, 2005


EVELYN W. POWERS, TREASURER

**CITY OF ROANOKE PENSION PLAN
STATEMENT OF CHANGES IN PLAN NET ASSETS
FOR THE SEVEN MONTHS ENDED JANUARY 31, 2005**

	<u>FY 2005</u>	<u>FY 2004</u>
<u>Additions:</u>		
Employer Contributions	\$ 3,652,892	\$ 2,915,646
Investment Income		
Net Appreciation (Depreciation) in Fair Value of Investments	15,723,679	32,612,536
Interest and Dividend Income	1,964,091	1,349,715
Total Investment Income (Loss)	17,687,770	33,962,251
Less Investment Expense	176,294	152,663
Net Investment Income (Loss)	17,511,476	33,809,588
Total Additions (Deductions)	<u>\$ 21,164,368</u>	<u>\$ 36,725,234</u>
 <u>Deductions</u>		
Benefits Paid to Participants	\$ 11,722,166	\$ 10,452,631
Administrative Expenses	291,392	265,306
Total Deductions	12,013,558	10,717,937
 Net Increase (Decrease)	9,150,810	26,007,297
 Net Assets Held in Trust for Pension Benefits:		
 Fund Balance July 1	306,925,352	283,983,057
Fund Balance January 31	<u>\$316,076,162</u>	<u>\$309,990,354</u>

**CITY OF ROANOKE PENSION PLAN
BALANCE SHEET
JANUARY 31, 2005**

	<u>FY 2005</u>	<u>FY 2004</u>
<u>Assets</u>		
Cash	\$ 618,974	\$ 969,890
Investments, at Fair Value	317,150,437	310,545,829
Due from Other Funds	1,431	1,431
Other Assets	<u>6,531</u>	<u>6,150</u>
Total Assets	<u>\$ 317,777,373</u>	<u>\$ 311,523,300</u>
 <u>Liabilities and Fund Balance</u>		
Liabilities:		
Due to Other Funds	\$ 1,696,755	\$ 1,532,528
Accounts Payable	<u>4,456</u>	<u>418</u>
Total Liabilities	<u>1,701,211</u>	<u>1,532,946</u>
Fund Balance:		
Fund Balance, July 1	306,925,352	283,983,057
Net Gain (Loss) - Year to Date	<u>9,150,810</u>	<u>26,007,297</u>
Total Fund Balance	<u>316,076,162</u>	<u>309,990,354</u>
Total Liabilities and Fund Balance	<u>\$ 317,777,373</u>	<u>\$ 311,523,300</u>

WMH
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION appointing a Director of the Industrial Development Authority of the City of Roanoke, to fill the remaining portion of a four (4) year term on its Board of Directors.

WHEREAS, the Council is advised that William L. Bova, a Director of the Industrial Development Authority of the City of Roanoke, Virginia, resigned effective January 9, 2004, and the vacancy has not been filled;

WHEREAS, §15.1-1377 of the Code of Virginia (1950), as amended, provides that appointments made by the governing body of such Directors shall, after initial appointment, be made for terms of four (4) years.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that Stuart H. Rivercomb is hereby appointed as a Director on the Board of Directors of the Industrial Development Authority of the City of Roanoke, Virginia, to fill the remaining portion of the four (4) year term of William L. Bova which commenced on October 20, 2001, and will expire on October 19, 2005.

ATTEST:

City Clerk.